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House of Representatives

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

PRAYER

Reverend Doug Tanner, Faith and Politics Institute, Washington, D.C., offered the following prayer:

Almighty God, we ask Your blessing this day on the work of this House, and on the hearts and minds of its Members.

At this time of year when nights grow long and temperatures fall, guard us, we pray, against seeing those with whom we agree as bearers of light and warmth and those with whom we disagree as harbingers of darkness and cold. Awaken instead an awareness that dark places of ego and arrogance reside in each of us, as do light places of compassion and camaraderie. Save us from shallowness. Guide us toward depth of soul and strength of spirit. Remind us there are better angels in our nature to carry us toward the land of liberty and justice for all, if we will but open ourselves to their wisdom.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the '' Andrew W. Bogue Federal Building and United States Courthouse''.

H.R. 5706. An Act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''.

H.R. 5773. An Act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the ''Robert M. Ball Federal Building''.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 987. An Act to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 3998. An Act to extend the Child Safety Pilot Program.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

ADOPTION TAX CREDIT

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

Mr. WILSON of South Carolina. Mr. Speaker, there is a great debate over the January 1 tax increases of over $2,000 annually per family. I strongly believe we need to extend tax relief for all Americans to create jobs, and I hope that the bipartisan issue of the adoption tax credit is also quickly extended.

While extremely rewarding, the adoption process may be expensive, often pricing out hardworking individuals and couples. To help keep the dream of parenting alive, Congress originally passed, and President Clinton signed, a $5,000 tax credit per adoptive family. A great success, this credit was later increased to $10,000. Today, however, we are facing a looming deadline that threatens this financial incentive and compromises the ability of average American families to adopt.

I urge Speaker PELOSI to immediately schedule a vote on H.R. 213, the Adoption Tax Relief Guarantee Act of 2009, before the adjournment of the 111th Congress. When it comes to the adoption process, lawmakers should work to advance the dream of a family.

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

ROADWAY SAFETY

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

Mr. WALZ. Mr. Speaker, I rise today to talk about roadway safety and infrastructure and the role it plays in saving lives and growing our economy.

Every year, approximately 34,000 men, women, and children die on our Nation's roadways. Although this number has decreased dramatically over recent years, we still have a long way to go.

One of the major factors in that decrease was a program this body created in the last transportation authorization bill called the Highway Safety Improvement Program. This commonsense program seeks to reduce traffic fatalities and serious injuries by making improvements to infrastructure

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such as road signs, guardrails, rumble strips, and other safety measures.

According to a study commissioned by the American Traffic Safety Services Association, for every $1 million invested in roadway safety, we save seven lives. Taking away the tragedy of all of those lost lives, that number, in terms of economic benefit, is $42 million saved by saving these lives—a 42 to 1 return on our money is pretty darn good.

I applaud Chairman OBERSTAR and Ranking Member MICA for including the Highway Safety Improvement Program in their current reauthorization draft. This program saves lives, puts people to work, and strengthens America's transportation system.

I urge my colleagues to work diligently to pass a new multiyear transportation bill.

□ 1020

TAX HIKES

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, it's just a few days till all taxpaying Americans will be hit with the largest tax hike in history in the wake of the longest recession since the Great Depression. Given this country's economic condition, I think a huge tax hike is exactly what we don't need. We ought to be creating jobs, boosting the economy.

Apparently, the Democrats think a $3.8 trillion tax hike is the answer. I say make the tax rates permanent and let's get this economy moving again with new jobs and investment. Empower small businesses to grow, hire, and expand. They can add more employees, buy more equipment, and rent bigger spaces. We ought to support them by stopping the largest tax hike in history.

If we want Americans to prosper, they want, need, and deserve better than the Democrats' massive tax increases.

IN SUPPORT OF MIDDLE CLASS TAX CUTS

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

Mr. PERLMUTTER. Mr. Speaker, today we have the opportunity to provide tax cuts for 98 percent of all Americans—on earnings up to $250,000. But as you just heard and as you are going to hear throughout the day, the Republicans don't want to have that tax cut for 98 percent of the people, saving them some $2,000. They want them for millionaires and billionaires, those guys who don't need it. That's where they are going to focus their efforts, to block tax cuts for those in the middle income ranges. That's their whole purpose from this point on, is to block any action in this House or in the Senate.

The Republicans want to take care of those people who can already take care of themselves, take care of themselves very well, by giving tax cuts for millionaires and billionaires; while Democrats are going to look out for middle income earners and we are going to fight hard today to make sure there are tax cuts for those earning up to $250,000.

Now, those tax cuts are for everybody, even the super giant wealthy, but only up to their first $250,000 in earnings. We will work hard today to make sure the middle income earners are protected.

POLICE CHIEF HERMILA GARCIA IN MEOQUI, MEXICO MURDERED

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

Mr. POE of Texas. Mr. Speaker, Chief of Police Hermila Garcia is the latest victim in the land of lawless days in Mexico. Chief Garcia was at her job only 51 days when she was brutally murdered by drug cartel assassins. In a brazen ambush, they shot Chief Garcia seven times when she was headed off to work.

So many police chiefs have been murdered in Mexico that no one wants the job. Trained officers are refusing promotions, leaving untrained citizens to run the police department. In the border town of El Vergel, two housewives are the top cops in town. In Chihuahua, the new police chief is a 20-year-old student.

There is a border war going on, and the violence will only get worse on both sides of the line of lawlessness. The rule of law is being stolen by the hand of the gun. We must help our neighbors in Mexico and also secure our border with armed National Guard troops. Otherwise, this wind brewing from the south will bring America the whirlwind.

And that's just the way it is.

PERMANENT TAX CUTS TO MIDDLE CLASS FAMILIES

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

Mr. CROWLEY. Today, the House will vote to provide permanent tax cuts to middle class American families. That means no more marriage penalty, lower taxes on family incomes, tax cuts to make college more affordable, and expand small businesses, creating jobs. All for middle class families who earn $250,000 or less.

But the Republicans are expected to vote ''no.'' Why? Because they say we need to provide tax cuts to the richest 1 percent in America. That's right. The Republican Party will add another $700 billion to the deficit to assist the richest 1 percent—like Trouble, Leona Helmsley's dog, who inherited $12 million.

Under the Republican plan, if Trouble doesn't get a tax break, no one else should. No tax cuts for hardworking families. No tax cuts for those living day by day, trying to make ends meet.

My colleagues, adding another $700 billion to our deficit, that's trouble. Trouble for middle class families, trouble to taxpayers, and trouble to our children and our grandchildren who will be saddled with that debt.

It's clear to me, Mr. Speaker, under Republican rule tax policy will go to the dogs.

PASS A BALANCED BUDGET CONSTITUTIONAL AMENDMENT

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

Mr. BUCHANAN. Mr. Speaker, as our national debt climbs to $14 trillion, on its way to $20 trillion, I commend the President for taking on this new Debt Commission. But the bottom line is for the last 50 years, we've balanced the budget five times out of 50. If you look at 49 out of 50 Governors, they have to balance the budget. If I look at what happens in Florida, they had a $70 billion budget 4 years ago. They've got a $60 billion budget today. But they have to balance their budget. They've got to make the tough choices.

That's why my first week here I introduced a constitutional balanced budget amendment that says simply, we don't spend more than we take in. Small businesses, families, they've got to make the tough choices every day. We don't need to. Why? Because we have the capacity to borrow. That's got to change. Otherwise, we're going to bankrupt America.

We need a constitutional balanced budget amendment today.

PASS THE DREAM ACT

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

Mr. POLIS. Mr. Speaker, I rise today in support of the DREAM Act. The lives of hundreds of thousands of de facto Americans hang in the balance. The DREAM Act would provide a route for young people who were brought here, who know no other country, to take on the full rights and responsibilities as Americans.

The DREAM Act is not only a human rights issue, it's an economic issue and it's a competitiveness issue. These young people are some of our very best Americans. And it's not an American value to force the sins of the father upon the son.

These young people were brought here when they were 2 years old, 3 years old. It can't be argued that they violated the law of their own volition. They know no other country. To senselessly deport them to a country where they don't know anybody and frequently don't speak the language

would deprive America of the fruits of our labors and the investments that we made in these young people through our public education system.

I call upon the House and the Senate to immediately move to pass the DREAM Act and help make these young people proper Americans.

TSA MUST EXPLORE OTHER SCREENING ALTERNATIVES

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, our country continues fighting a deadly and determined terrorist enemy. Agencies such as Homeland Security and the TSA work hard to keep us safe and protect us. Still, American citizens are concerned with the newly implemented security measures that are both revealing and personal.

Concerned passengers and even TSA workers feel violated, confused, and uncomfortable. No one is sure what to expect. The American public rightfully wants answers from questions like what is the training, accountability, and selection process for the TSA? Two, what can we learn from other countries' security measures? Three, can we prevent body scan photos from public release? Four, how do we identify who is actually a risk? And isn't there another, more accurate way to do this, rather than treating everyone as a suspect?

People do not have confidence in the Federal Government's ability to protect their privacy, and TSA must explore other screening alternatives because national security and the liberty it aims to protect both matter.

TAX CUT FOR 98 PERCENT OF TAXPAYERS

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

Mr. TONKO. Mr. Speaker, I rise today for fairness, for equality, and to simply stand up for what is right. I support a tax cut for our Nation's working families and middle income community. In my district, that includes 98 percent of taxpayers, over 342,000 individuals. What I do not support, and what our Nation simply cannot afford, is a tax cut for millionaires and billionaires.

In fact, Republicans are holding hostage the extension of unemployment benefits at the expense of tax cuts. Six thousand eight hundred individuals in my district make over $250,000 a year. Conversely, 6,400 individuals in my district will lose their unemployment benefits at the end of this month. The choice—6,800 billionaires and millionaires, or 6,400 hardworking families that will not be able to pay their bills, put food on their table, or heat their homes on a cold winter's night. I stand with the middle income and working families of my district.

And what happens to the local economy? If we do not extend unemployment benefits, my district alone could see the loss of tens of millions of dollars in economic benefits, including small business losses each and every month.

Mr. Speaker, the moral and economic choice is clear. I stand with our working families and our middle income community.

□ 1030

CELEBRATING THE 100TH ANNIVERSARY OF MOTHER TERESA'S BIRTH

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

Mr. FORTENBERRY. Mr. Speaker, on August 26, 2010, the world began the year-long celebration of the centenary of the birth of Mother Teresa, the Blessed Teresa of Calcutta. Mother Teresa's enduring legacy of humility and sacrifice has been heralded across cultures and in many languages throughout the world. And just earlier this year, the United States Postal Service created this stamp in commemoration of Mother Teresa's life's work.

Mother Teresa worked among the poor in conditions that would weaken the hardiest. Yet she stood with strength before presidents, kings, and queens. She saved lives and gave countless thousands hope, hope for the leper, hope for the expectant mother who had been abandoned by family and community, hope for the orphaned child who only wanted a helping heart and a home, hope for the indigent poor who sought a meal and belonging.

The United States Congress honored Mother Teresa with a U.S. Congressional Gold Medal in 1997. And as we commemorate the 100th anniversary of her birth, I urge my colleagues to join me in again uplifting Mother Teresa's life's work, especially during this time when the world is yearning for meaning.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 4853, MIDDLE CLASS TAX RELIEF ACT OF 2010, AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1745 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1745

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. It shall be in order at any time through the legislative day of December 3, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purposes of debate only, I am pleased to yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of this rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1745 provides a closed rule for consideration of the Senate amendment to H.R. 4853. The rule makes in order a motion offered by the chair of the Committee on Ways and Means that the House concur in the Senate amendment to H.R. 4853 with the amendment printed in the report of the Committee on Rules accompanying the resolution. The rule provides 1 hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of December 3, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

Mr. Speaker, today we have the opportunity to do the right thing and put

American workers ahead of millionaires and billionaires. This should be our priority and shouldn't be a tough choice to make. Today we can focus on economic growth to help those who are suffering from this recession and to provide permanent, equitable tax relief for the middle class.

These should not be controversial positions. They aren't and they shouldn't be. The economic growth that all Americans can share in ought to be a top priority for every elected official, and lowering the tax burden for working families shouldn't be any kind of a partisan fight.

After the last administration and the previous Congress spent billions of dollars starting two foreign wars and bailing out the big banks that ran roughshod over our economy, isn't it only fair that we do more to help out those who are struggling to find work and to make ends meet? Today we are simply voting on whether or not to protect the middle class and to make sure working families do not suffer needlessly as winter approaches. Nothing more, nothing less.

This is not political showmanship or a partisan game. We are doing the work the American people asked us to do. We are not voting on whether or not to extend tax cuts for the wealthy. We are only voting on extending tax cuts for the middle class, and this is something I sincerely believe we should all agree on.

One of the biggest pieces of misinformation about ending tax cuts for the wealthy is that it would hurt small businesses, which is simply not true. The bill we are talking about today extends tax cuts for incomes up to $250,000. That covers 97 percent of all small businesses in the United States. And let's be clear about another thing: For all small businesses, the cuts continue for their first $250,000 of profit.

If we really want to help small businesses, let's offer real direct benefits. Let's help them access funding to grow, offer larger tax deductions for purchasing equipment or create incentives to hire more workers.

I am glad many business owners in my State, the State of Maine, have been able to see through this misinformation. Jim Wellehan, who owns one of the largest shoe store chains in the State, has recently come out against tax cuts for the wealthy because they offer no benefit to his business or his employees. He recently said it makes no sense from any perspective to preserve the tax cuts for the wealthiest people in this country. It will just increase the wealth gap and create more of a social and economic problem.

Jim hits on a critical point. Over the last 30 years, the wealthiest have gotten richer and richer compared to everyone else. In 1980 the average income of the country's top .01 percent of earners was 180 times that of the bottom 90 percent. Today that number is 1,000 times. Meanwhile taxes for the rich have gone down dramatically. So as the wealthiest take a larger and larger piece of the pie, they have given less and less back to the public infrastructure, to our communities, and to the people who helped create that prosperity.

The truth about tax breaks for the ultra rich is that they are very, very expensive. Cutting taxes for those making over $250,000 will add $700 billion to the deficit in the next 10 years alone. That's about the cost of the entire stimulus bill, and most economists agree it would do very little to stimulate the economy.

In January of this year, the nonpartisan Congressional Budget Office analyzed 11 policy proposals and ranked them by how effective they would be in fueling economic recovery.

Number one on that list was extending benefits for the unemployed because those dollars go immediately into local economies and spur more spending. If only that was the bill we were voting on today.

What was number 11? Number 11 on that list was extending tax cuts for the wealthy. The benefit of those dollars going to the rich was marginal, because that money would be mostly saved, not spent. That's just not right.

I hope all of my colleagues on both sides of the aisle will join me today in supporting this commonsense bill.

I reserve the balance of my time.

□ 1040

Mr. DREIER. Mr. Speaker, I first want to express my appreciation to my very good friend and Rules Committee colleague, the gentlewoman from North Haven, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. DREIER. Mr. Speaker, as I listen to the very thoughtful statement of my friend and Rules Committee colleague, I'm reminded of—and as I looked at news reports this morning, I guess I should say—as I listen to her statement and then look at the reports that we have this morning, I'm reminded of the 1992 Presidential campaign. And I would like to point to two very famous quotes from that 1992 Presidential campaign.

First, in the general election you will recall that Bill Clinton, George Herbert Walker Bush and Ross Perot all ran against each other. I know the Speaker pro tempore understands very well, coming from Texas, that that was a fascinating campaign 18 years ago. And there was a very famous Vice-Presidential debate. And in that debate, the great, highly decorated Admiral James Stockdale, who I was happy before his passing to have as a good friend, famously began the debate by saying, Who am I, and why am I here?

Now, Mr. Speaker, we already have reports this morning that the negotiators have come together and decided there will be probably a 2-year extension of the effort to ensure that we don't increase taxes on any Americans over the next 2 years. And in light of that, we are now resorting to a little more than a political ploy saying, well, we've all come together and agreed that we don't want increased taxes on middle income Americans, and so what we should do is let's vote for this and agree on it when, in fact, we're arguing that we should not increase taxes on any Americans.

Now to my second quote from the 1992 Presidential campaign. Senator Paul Tsongas, whose widow, Niki, serves very well here in the House, the gentlewoman from Massachusetts, said very famously, and I quoted him, and she corrected the quote when I told her that I quoted him widely, I quoted him as follows: Senator Tsongas in the 1992 Presidential campaign when he was challenging Bill Clinton in the primary said, The problem with my Democratic Party is that they love employees but they hate employers. And Mrs. Tsongas reminded me that he apparently said, You can't love employees without loving employers. Well, either way, it's very clear that when you look at where we are, it gets back to that famous Lincoln line: you can't lift up the wage earner by pulling down the wage payer. And so all we're saying is that as we look at the challenges that we're facing today, focusing on job creation and economic growth is something that we should do.

And I believe that every Democrat and every Republican in this institution clearly wants to see our economy get back on track. They want to see us grow. They want to see us emerge. No one wants to see the United States of America diminished to the level that was predicted by Dave Cote, a member of the debt commission, the head of Honeywell, who in his statement yesterday said that at the rate we are going, the United States of America will become, in fact, a second-rate Nation. No one, no Democrat or Republican, wants that to happen. And so why don't we use empirical evidence that will prove that we can take a course that will get this economy back on track.

Now, my friend says that we have a cost of $700 billion. If we fail to increase taxes on those small businesses and those who are upper income wage earners, a $700 billion cost is what is claimed. In fact, if you talk to economist after economist, as I have, that is, in fact, not the case. Just yesterday a very prominent economist met with a number of Members of this body pointing to the fact that if you do, if you do, Mr. Speaker, actually keep those taxes low, we will actually see an increase in the flow of revenues to the Federal Treasury.

And I point to that again, as I have time and again here. I believe we should be utilizing the bipartisan—the bipartisan model, put forward first by a great Democratic President. We will

mark the 50th anniversary of John F. Kennedy's inaugural address. He was elected 50 years ago. On January 20, there is going to be a great celebration here in this Capitol marking the 50th anniversary of the great inaugural speech, which many of us have been quoting since we were children, of John F. Kennedy.

And we should be utilizing the model put forward by Ronald Reagan, who on February 6 of next year will mark his 100th birthday. And that economic model is one which says that making sure that we reduce marginal tax rates will actually grow the economy and create an increase in the flow of revenues to the Federal Treasury.

So, Mr. Speaker, as we look at where we are today, you have economists from even on the left who will say—even Keynesian economists—that the notion in a down economy—and we all know we have a 9½ percent unemployment rate and we heard the sad news about housing sales that came out this morning—we all know that in a down economy, even the Keynesian economists will say that increasing taxes is a prescription for failure. It actually undermines the potential for economic growth.

Now, we had quite a meeting in the Rules Committee last night, Mr. Speaker, when we brought this measure up, and the distinguished ranking member soon-to-be chairman of the Trade Subcommittee, the gentleman from Houston, Mr. BRADY, referred to what was going on here as political theater. I said that I believe that to be very generous. This is sleight of hand, a political ploy. There are all kinds of pejoratives that can be used to describe the process that we have here.

We have a closed rule, as my friend said, and I argued that I'm for an open rule, which is what I'm often arguing for, and we hope to be able to have that in the 112th Congress as often as possible, but I argued for a modified closed rule, a modified closed rule for consideration of this measure.

Now, what would that mean, Mr. Speaker? If we were to have a modified closed rule, it would mean that we would simply allow this House to have a vote, which is under the present structure before us going to be denied, a vote that has been requested by 31 Democrats and all Republicans. And, Mr. Speaker, I believe that we could, in fact, have a strong bipartisan vote in this House to extend, to ensure that we don't increase taxes on any Americans at this time. And this rule would allow that.

I offered an amendment that would simply say, okay, let's just provide the ranking member, Mr. CAMP, of the Ways and Means Committee, a chance to offer one substitute which would basically mean we are not going to increase taxes on small businesses, and we are not going to increase taxes on any Americans. I offered that amendment, and on a party-line vote it was rejected.

It was fascinating, Mr. Speaker, to hear the chairman of the Ways and Means Committee, my very good friend, SANDY LEVIN, say that making sure we don't increase taxes on middle income Americans is something we can all agree on. And, yes, Mr. Speaker, we can agree on that. But I think it is very evident that this House could, with a majority vote, ensure that we don't increase taxes on any Americans during these very troubling, difficult economic times.

So I would argue that I think it's very important for us, as an institution, to realize that it's really a joke that has been put before us, tragically, during a time when the American people are hurting. I have an unemployment rate in part of the area I'm privileged to represent in Southern California, Mr. Speaker, that is in excess of 15 percent. We have a statewide unemployment rate in the largest State of the Union, the largest, most important State of the Union, the State of California, we have a 12½ percent unemployment rate. People are hurting. And so to do anything other than ensure that we don't increase taxes on the people who are struggling to create jobs for our fellow Americans is something that we have a responsibility to do.

So, Mr. Speaker, I'm going to urge my colleagues to vote ''no'' on this rule and allow us to let the House work its will and have what I am totally convinced would be a strong, strong vote in favor of ensuring that we don't increase taxes on any Americans.

With that, I reserve the balance of my time.

□ 1050

Ms. PINGREE of Maine. Mr. Speaker, before I yield time to one of my colleagues, I want to answer a couple of things that my good colleague from California mentioned. Soon his party will be in power, and I am confident he will be the chair of the Rules Committee and the Rules Committee will be very open perhaps at that time to have more open rules and to change the process. So I look forward to, as a sophomore Member, learning how a different process will be conducted by the other side of the aisle.

I do want to remind him that during 12 years when his party was in control, there was never a tax bill that came to the floor which allowed for amendments. I don't know if that process will change in the future. It certainly wasn't that way in the past.

Mr. DREIER. Will the gentlelady yield on that point?

Ms. PINGREE of Maine. I yield to the gentleman from California.

Mr. DREIER. I will tell you about the 12 years we were in the majority, we did often provide substitutes. So all we are asking for, as I said, all I asked for on this measure is not an open rule, a modified closed rule, which would have provided simply one bite at the apple, one alternative, which is out of respect to the Democrats in this House who would very much like to have a chance to vote to ensure that we don't increase taxes on any American.

I thank my friend for yielding.

Ms. PINGREE of Maine. Thank you for making that point. I think it is slightly different from the other point of saying that tax bills never were allowed to be amended in the last 12 years. But I look forward to modified open rules or open rules or whatever process we will be working with in the future. That isn't what we have before us today.

I do want to comment that while you were kind of referring to this as political theater, I also recall that you asked for 3 hours of debate on this; and if it is truly political theater, that would be tying up a lot of the people's time to have us conduct this debate for 3 hours if, in fact, you do not consider it serious debate. I mean, in my opinion, you and I just have a strong disagreement. Our two parties and many of our Members disagree on where the appropriate place to have tax cuts is.

We are putting this bill on the floor today because we believe it is important to extend tax cuts for the middle class, that that has the greatest benefit to our economy. And as the OMB and other studies have shown us, tax cuts for the wealthiest to the country just do not stimulate the economy. The money does not go where we think it needs to go to create more jobs, and it is not a good expenditure of $700 billion, which is what this will cost us over the next decade in a time when we are clamoring to find ways to reduce the deficit.

So I find it unfathomable that there would be any objection to taking a vote on what is clearly the most agreed upon part of our tax cuts here and then allowing for other debate on the rest of the package. So for me, this is a logical way to bring this to the floor. I am pleased that we have this opportunity here.

I am a little frustrated every time I hear this tried to be portrayed as the real argument is only about small businesses. You know, 2 percent of the small businesses in our country are the ones that will be affected by this.

I disagree with your statement that Democrats love employees and dislike employers. Many of us on this side of the aisle are employers. I am an employer. I have a small business, and I actually feel pretty good about myself.

Mr. DREIER. If the gentlelady will yield, I was simply quoting the late Senator Paul Tsongas. It wasn't my quote. I was simply quoting Senator Tsongas.

Ms. PINGREE of Maine. I do appreciate that, and I am glad to know that dear Senator Tsongas' wife has corrected you on the appropriate way to use that quote. But either way, it was something that you brought to the floor to make the point that somehow you think this bill is put forward so that Democrats can show their disapproval of employers. And I can speak

personally that I work closely with employers in my district. I am an employer and think there are employers who will benefit under this as well. That is why I quoted, in my own remarks, Jim Wellehan who owns a chain of shoe stores in our State who said: I am not in favor of a bill that would give tax cuts to the wealthy because it doesn't do anything to help my employees or my business. And that, in fact, is what he is concerned about. You know, employers need customers, which are those employees, and that is why we consider it so critical to make sure that we do something to benefit those people who will be purchasing.

Just one other comment that I had in my notes here today from a small business owner in Lincoln, Nebraska. People talk about the $250,000 without talking about that as net profit. Here is how he described it: A lot of people don't understand how small business works. We reinvest in our business. We try to minimize the amount of taxable income we have. I went out and bought an $80,000 piece of equipment. I did it so I could reduce my taxes. The only people I can think of who could honestly call themselves small businesses that this would affect would be stock brokers and lawyers.

That is what Rick Poore, owner of a Lincoln, Nebraska, clothing firm who employs 30 people thinks about this.

Well, if in fact the 2 percent we are trying to help today are stock brokers and lawyers, I don't think the American public is clamoring for them to have another tax break, and I think people aren't explaining and displaying an understanding of how business works. This is about net profit for small businesses, which even reduces further the number of businesses who will be affected by this.

Now, Mr. Speaker, I would like to yield 3 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank the gentlewoman from Maine for yielding me this time.

I rise in strong support of the rule and the bill we are voting on today, the Middle Class Tax Relief Act. This bill will help millions of Americans who are trying to make ends meet by providing them with sorely needed tax relief. The Middle Class Tax Relief Act permanently extends the tax cuts for middle class taxpayers so that individuals who make less than $200,000 a year, under $250,000 for joint filers, will get the tax relief they need. This legislation would help about 323,000 lower- and middle-income families in my congressional district alone.

My colleagues on the other side of the aisle have made it clear that they won't vote for this bill because it doesn't meet their highest priority—continuing the status quo of providing tax breaks for the wealthiest 2 percent of Americans. On the one hand, they claim to be concerned about reducing the $13.8 trillion national debt, opposing an extension of unemployment benefits for the nearly 2 million Americans who desperately need the assistance, including more than 4,000 in Hawaii. Not only is this reprehensible, it is bad math. A recent Labor Department report shows for every dollar spent on unemployment insurance, $2 are reinvested into the economy.

On the other hand, continuing tax breaks for millionaires and billionaires, the richest 2 percent of Americans, would add a whooping $700 billion to our deficit over 10 years. These tax breaks would not trickle-down to create more jobs or help our economic recovery. In fact, they would add to our deficit. And, by the way, these richest taxpayers will also get the benefit of this tax relief in this bill for their first $200,000 of income. Why should this group of taxpayers then get an additional benefit that 98 percent of Americans will not.

Mr. Speaker, this is about fairness. We need to fight for working families and let the tax breaks for the wealthy expire so that they can start to pay their fair share of taxes. Today's vote on this bill will let the American people, the 98 percent who don't make $200,000 a year, including 323,000 families in Hawaii, know who is on their side fighting for them.

I urge my colleagues to support this measure.

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

Mr. Speaker, I would say to both of my colleagues who are both good friends of mine that as I listen to the arguments that have been put forward, the standard old class warfare, us versus them, rich versus poor, is an argument that has failed for years and years and years. I think all we need to do is look at the November 2 election. There was a rejection of this divisive tone which we regularly hear around here: the haves and the have-nots.

The fact of the matter is any Member of this House who votes in favor of the measure that is going to be before us is voting for a tax increase. They are voting in favor of increasing taxes on American investors and small businesses in this country. There is all kinds of dispute about this: how many are small businesses, 2 percent. We have evidence that it is substantially higher than that. But if there are any small businesses that are out there trying to create jobs and this policy of increasing taxes undermines them and inhibits their ability to say to a person in this country who is seeking a job opportunity that they can't have it because of this burden that is being inflicted, this is clearly wrong.

Now, again, on the notion of this $700 billion, this $700 billion, the cost, and we are exacerbating the deficit, that is preposterous. If we can get people with a 9.4 percent unemployment rate, 9.6 percent, as I said, in my State, 12.5 percent unemployment rate, if we can get people from the unemployment rolls onto the working rolls, that in and of itself is evidence that we will increase the flow of revenue to the Federal treasury.

□ 1100

Why? We'll diminish the cost of unemployment benefits, and we will have people who are working as productive members of society who are paying taxes. So this $700 billion figure is a ridiculous one.

Mr. Speaker, I will say again: Any Member of this House who votes in favor of the measure that is before us is going to be voting to increase taxes on working Americans, and it is just plain wrong.

Let me just close again by saying that, when I used the term ''political theater,'' I was quoting the very thoughtful ranking member of the Trade Subcommittee of Ways and Means, Mr. BRADY, who came before us in the Rules Committee and said, This is political theater.

Why? There are reports today that the negotiators from the White House and both Houses of Congress have come to an agreement that we are going to ensure that we don't increase taxes on any Americans for at least 2 years. Those are the reports that we have that have come out. So we are here on the House floor, denying this institution an opportunity to vote on a proposal like that.

We in the Rules Committee, Mr. Speaker, simply said, Gosh, since 31 Democrats have signed a letter saying they believe it would be a mistake to increase taxes on any Americans, the House should have a chance to vote on that.

I offered that proposal upstairs last night in the Rules Committee. A party-line vote.

The Democrats said, Oh, no. We're not going to allow what would clearly be a majority of this House, I believe, if we were to actually have a vote, to work its will. We are going to resort to legerdemain and not allow a motion to recommit.

This bill before us, Mr. Speaker, happens to be the airport and airway bill. It's basically the FAA bill. They did that to deny even an opportunity for a motion to recommit. Now, I know that's all inside baseball stuff, but it's inside baseball stuff that led the American people to cast the votes that they did on November 2, because it was a year ago last June when this ''read the bill'' measure came forward, when we had the 300-page amendment dropped in our laps at 3 o'clock in the morning in the Rules Committee, and we didn't have a chance to read it. So the American people started looking at what takes place in this institution, and on November 2, they rejected it.

Well, with what we are doing here today, it is obviously an indication that this majority that is now in charge is tone deaf. They don't understand the message that the American people sent, because they have spent time looking here at what is going on, and that is why we have focused on increasing transparency, disclosure, and accountability.

So, as they have done that, they've said, Don't do the kinds of things that you are contemplating doing right now.

The bottom line is, by resorting to legerdemain, we are going to end up increasing taxes on working Americans.

I say, in closing, Mr. Speaker, that any Member of this House who votes in favor of this measure is voting to increase taxes on the men and women in this country who are out there saving, investing, and working to create jobs for our fellow Americans, and it is just plain wrong. So I urge a ''no'' vote on the previous question and a ''no'' vote on the rule.

I yield back the balance of my time.

Ms. PINGREE of Maine. I thank the gentleman from California for his remarks.

Mr. Speaker, before I close, I would just say again that I think we have a difference of opinion on the semantics here.

You want to argue that, if we don't continue tax cuts/tax breaks for the wealthiest people in this country that we are increasing taxes. I would say it is time we let those tax breaks end, those tax breaks that went on for too long and that did nothing, in my opinion, to stimulate the economy.

I also just want to add my own comment.

You know, there is a lot of interpretation about November 2. The voters cast their votes. Things changed dramatically. Many of us who have been in politics over time know that sometimes you're in the majority, sometimes you're in the minority; sometimes your ideas come out on top, and sometimes they don't.

But I have to say personally, in interpreting my own district, voters heard me say every day that I pledge to continue the tax breaks for the middle class but that I will not vote to extend them for the wealthiest in this country. I debated my opponent, and it was written about in the newspaper. There were endless interviews when I made it very clear as to what my point of view was and why I thought it was important. I come from a State where small business rules, where I am a small business owner, and where I said to people, You know, this isn't a small business issue; this is about helping the wealthiest people in this country.

I just have to say, when I go back and look at the November 2 election, oddly enough, I'm still here, and I intend to be here on January 5 and to be sworn in again. Somehow, the voters in my district said, Go for it. We don't want to see any more tax breaks for the wealthy. We, in fact, only want to see tax cuts for the middle class.

So I am interpreting November 2 to mean we are doing the right thing on the floor today. We are putting forward the one measure that allows us to make sure we can separate the tax cuts for the wealthiest from the tax cuts for the middle class. That is what we are doing here today.

Let me just close, Mr. Speaker.

Ten years ago, Congress passed a package of tax cuts with the lion's share of the benefits going to the wealthiest of the wealthy. The stated intent was to grow and secure our economy. Today, millions of families across this country are struggling. They are worried about finding work. They are barely covering their monthly expenses.

I have to ask my colleagues: Do your constituents feel more economically secure than they did 10 years ago?

Since these cuts took place, we have gone from a balanced Federal budget to troubling deficits. We have seen the middle class weaken, and we have experienced the worst economic downturn since the Great Depression. The billions we have given in handouts to the super rich have been major contributors to all of those realities.

Today, we have a historic opportunity to support the middle class, to show real Americans that we as Members of Congress are hearing their frustrations and their anger. We can stand up today and say that we are going to help the vast majority of Americans, that we care deeply about the economic security of the middle class and that, for once, Congress is going to act in the best interest of the middle class.

I strongly stand behind H.R. 4853, extending the tax cuts for middle class families and businesses who make up to $250,000. They need a break, and we should be doing even more for them. It is simply outrageous to suggest that we should hold these tax cuts hostage in order to continue a failed policy that has weakened our economy, has placed a bigger burden on working families and has only been effective in making the rich richer. I urge all of my colleagues to support middle class Americans and to vote for the underlying bill.

I urge a ''yes'' vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 1745, if ordered, and suspending the rules with regard to House Resolution 1638, House Resolution 1598, and House Resolution 1576, if ordered.

The vote was taken by electronic device, and there were—yeas 224, nays 186, not voting 23, as follows:

[Roll No. 596]

YEAS—224

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

NAYS—186

Aderholt
Adler (NJ)
Akin
Altmire
Austria
Bachus
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou

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

NOT VOTING—23

Alexander
Bachmann
Barrett (SC)
Berman
Boucher
Brown-Waite, Ginny
Buyer
Cardoza
DeFazio
Delahunt
Fallin
Grayson
Hastings (FL)
Lewis (GA)
Marchant
McMorris Rodgers
Meek (FL)
Oberstar
Putnam
Schrader
Shadegg
Taylor
Waxman

□ 1144

Messrs. TERRY, GRAVES of Missouri, SCALISE and GOODLATTE changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. GRAYSON. Mr. Speaker, during rollcall vote No. 596 on Motion on Ordering the Previous Question—H.R. 1745, I was unavoidably detained because of a transportation delay. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. PASTOR of Arizona). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 213, nays 203, not voting 18, as follows:

[Roll No. 597]

YEAS—213

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

NAYS—203

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachus
Baird
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Radanovich
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bachmann
Barrett (SC)
Boucher
Brown-Waite, Ginny
Buyer
Cardoza
DeFazio
Delahunt
Fallin
Hastings (FL)
Lewis (GA)
Marchant
McMorris Rodgers
Owens
Putnam
Schrader
Shadegg
Taylor

Announcement by the Speaker Pro Tempore

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

□ 1155

Messrs. BOYD, POSEY, and COSTELLO changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL GEAR UP DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1638) supporting the goals and ideals of National GEAR UP Day.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

Mr. TONKO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

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

[Roll No. 598]

AYES—405

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

NOT VOTING—28

Bachmann
Barrett (SC)
Bishop (UT)
Boehner
Boucher
Brown-Waite, Ginny
Butterfield
Buyer
Cardoza
Clarke
Clyburn
Conyers
DeFazio
Delahunt
Fallin
Garamendi
Gohmert
Hastings (FL)
Hinojosa
Kaptur
Lewis (GA)
Marchant
McMorris Rodgers
Pomeroy
Price (GA)
Putnam
Schrader
Walden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1203

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.

SUPPORTING NATIONAL WORK AND FAMILY MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1598) expressing support for the designation of the month of October as National Work and Family Month.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 21, as follows:

[Roll No. 599]

AYES—412

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
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
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)

Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Bachmann
Barrett (SC)
Bishop (UT)
Boehner
Boucher
Brown-Waite, Ginny
Buyer
DeFazio
Delahunt
Fallin
Garamendi
Gordon (TN)
Hastings (FL)
Lewis (GA)
Marchant
McMorris Rodgers
Ortiz
Pomeroy
Putnam
Schrader
Walden

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1211

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 PARENTS OF SPECIAL NEEDS CHILDREN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1576) expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established, as amended.

The Clerk read the title of the resolution.

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

The question was taken.

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

RECORDED VOTE

Mr. SCHAUER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 600]

AYES—413

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

NOT VOTING—20

Bachmann
Barrett (SC)
Barrow
Boucher
Brown-Waite, Ginny
Buyer
Cassidy
DeFazio
Delahunt
Fallin
Garamendi
Hastings (FL)
Lewis (GA)
Marchant
McMorris Rodgers
Melancon
Pomeroy
Putnam
Schrader
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1221

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

AIRPORT AND AIRWAY EXTENSION ACT OF 2010, PART IV

Mr. COSTELLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6473) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6473

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part IV''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''March 31, 2011''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''March 31, 2011''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''December 31, 2010'' and inserting ''March 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' and inserting ''April 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part IV'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''January 1, 2011'' and inserting ''April 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $1,850,000,000 for the 6-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2010, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2011 were $3,700,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''January 1, 2011.'' and inserting ''April 1, 2011.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''; and

(2) by striking ''March 31, 2011,'' and inserting ''June 30, 2011,''.

(c) Section 44303(b) of such title is amended by striking ''March 31, 2011,'' and inserting ''June 30, 2011,''.

(d) Section 47107(s)(3) of such title is amended by striking ''January 1, 2011.'' and inserting ''April 1, 2011.''.

(e) Section 47115(j) of such title is amended by striking ''January 1, 2011,'' inserting ''April 1, 2011,''.

(f) Section 47141(f) of such title is amended by striking ''December 31, 2010.'' and inserting ''March 31, 2011.''.

(g) Section 49108 of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''January 1, 2011,'' and inserting ''April 1, 2011,''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''January 1, 2011,'' inserting ''April 1, 2011,''.

(j) The amendments made by this section shall take effect on January 1, 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. COSTELLO) and the gentleman from Wisconsin (Mr. PETRI) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6473.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6473, the Airport and Airway Extension Act of 2010, Part IV.

I want to thank Chairman OBERSTAR of the Committee on Transportation for bringing this bill to the floor today.

At the end of September, we passed an FAA extension that will expire on December 31. H.R. 6473 is a clean 3-month extension that runs through the end of March. However, I am hopeful that we can still pass a long-term FAA reauthorization bill before the 111th Congress adjourns.

There are many important provisions in the FAA reauthorization bill, such as binding arbitration for the air traffic controllers, addressing the consolidation and realignment of FAA facilities, and making investments to accelerate NextGen. In addition, the bill will create thousands of jobs at a time when our economy continues to struggle and too many Americans are out of work. Our aviation system plays a significant role in our national economy, and I will continue to push for a comprehensive, long-term FAA reauthorization bill.

I urge my colleagues to support the bill.

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

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

Mr. Speaker, as was pointed out, in May, the House passed H.R. 915, the FAA Reauthorization Act of 2009. In March of this year, the Senate passed its own FAA reauthorization bill. The House took that up, amended it, passed it, and sent it back to the Senate. Since then, we have been in formal discussions to reconcile the two bills. While these discussions have led to tentative agreements on nearly all of the provisions, a few controversial issues have prevented the House and Senate from reaching a final agreement.

Therefore, with the FAA's authorities set to expire at the end of the calendar year, we again find it necessary to consider another extension. Like the 16 earlier extensions over the past 3 years, the bill before us would provide a short-term extension of the taxes, programs, and funding of the FAA, this time through the end of March 2011.

It is unfortunate that this Congress has not been able to reach final agreement on a comprehensive FAA reauthorization bill. We recognize the importance of a multiyear authorization, and I look forward to working with Mr. COSTELLO and my other colleagues in the next Congress to that end.

However, in order to ensure the safe operation of the National Airspace System while Congress continues to debate a full reauthorization package, I certainly support passage of today's extension and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield such time as he may consume to the chairman of the full Transportation and Infrastructure Committee, the gentleman from Minnesota, Chairman OBERSTAR.

Mr. OBERSTAR. I thank the chairman for yielding time, and I thank Mr.

MICA for his partnership in bringing yet another Transportation bill to the House floor in these waning hours of the session. I wish with all my heart we didn't have to be here and that the other body had acted on this measure in the 110th Congress and earlier in this Congress, but that's not the case, unfortunately.

Without going into any detail or further reviewing of the inscrutable actions of the other body, I will just say that we are here again, doing our part in public service, carrying out our trust to the people of this country and to the cause of aviation in assuring that we continue the programs of aviation until such time—and hope continues in my heart and that of Mr. COSTELLO, Mr. PETRI, Mr. MICA, and, I think, of the whole aviation community—that we will be able to accomplish passage of the full authorization bill.

We are headed for a billion passengers in the airspace of the United States. Last year, a billion people traveled by air worldwide. Three-fourths of them traveled in the U.S. airspace. We account for more air travel than all the rest of the world combined. To continue to provide the level of service needed for this engine of economic growth of aviation, which accounts for 9 percent of our gross domestic product, we need to prepare for the future.

This legislation will provide the authorization for the Next Generation air traffic control technology to be implemented in time with the effectiveness that the FAA has always pursued and for the good purposes of aviation.

It is important for us to persist until the very last hours of this Congress to ensure that the goals of aviation will be met; that safety in aviation will be provided at the highest possible level, as stated in the opening paragraph of the FAA Act of 1958; that we meet our trust to the flying public to ensure that the separation of aircraft at altitude will be conducted by the most robust, efficient, available technology; and that we prepare the groundwork for future growth in aviation. This legislation does it.

It is a tribute to Mr. COSTELLO and to Mr. PETRI. They have worked together. Particularly, Mr. COSTELLO has chaired the subcommittee and has bent himself to the effort. He has persisted rigorously in hearings, in meetings, in markup to fashion the best possible future for aviation. This bill is a monument to his service as chair of the Aviation Subcommittee. For that reason alone, it ought to be enacted by the Congress.

For myself, this is a nostalgic moment. I think, unless we are here again on aviation, it is likely to be my last measure on which I will speak in this body. I thank my colleagues for their support.

I thank our diligent, dedicated, and gifted committee staff, especially David Heymsfeld and Ward McCarragher, our full committee Chief of Staff and counsel, for the many, many years we have spent together; Stacie Soumbeniotis, who came onto the committee to become one of the most outstanding aviation professionals in this whole country; and many others whose names I will submit for the RECORD.

□ 1230

I am grateful for their friendships, their partnerships, and to the people of my district for this opportunity to serve the great public good in this greatest legislative body in the world.

Mr. Speaker, I rise in strong support of H.R. 6473, the "Airport and Airways Extension Act of 2010, Part IV". This bill ensures that aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority will continue without interruption pending completion of long-term Federal Aviation Administration (FAA) reauthorization legislation. Because the long-term bill may not be completed before the current authority for aviation programs expires at the end of this month, H.R. 6473 is needed to extend aviation programs, taxes, and expenditure authority for an additional 3 months, through March 31, 2011.

This 3-month extension is not intended as the final decision on how long an extension should be authorized if the long-term bill cannot be passed this month. The term of an extension is under House-Senate discussion. Because of the difficulties in passing any legislation this month, we thought it desirable to begin the process with 3 months as a placeholder.

The most recent long-term FAA reauthorization act, the Vision 100—Century of Aviation Reauthorization Act (P.L. 108–176), expired on September 30, 2007.

Although the House passed an FAA reauthorization bill during the 110th Congress, and again in 2009, the Senate failed to pass an FAA bill until March of this year. The FAA has, therefore, been operating under a series of short-term extension acts, the most recent of which expires on December 31, 2010.

Since passage of the Senate bill in March, we have been working diligently to resolve the differences between the House and Senate bills. As it stands now, the negotiated bill would provide the aviation sector with the stability of a multi-year authorization, safety reforms, record-high capital investment levels, acceleration of the Next Generation Air Transportation System effort, and a passenger bill of rights. Moreover, a comprehensive multi-billion dollar FAA reauthorization would create tens of thousands of well paying aviation sector jobs. Unfortunately, since July, the FAA reauthorization bill has been hung up in the Senate, primarily over a provision that would significantly increase the number of long-distance flights at Washington National Airport.

We will continue to work as hard as we can on behalf of the American public for a strong, comprehensive FAA reauthorization bill, which I still remain hopeful that we can deliver this Congress. However, without the passage of either a multi-year authorization, or another extension, the FAA's capital, research, and airport grant programs would shut down after December 31, 2010, and thousands of FAA employees would be furloughed. FAA's authority to make expenditures from the Airport and Airway Trust Fund would also cease without an extension. Therefore, if we are unable to enact an FAA reauthorization bill, we need to ensure that the FAA will continue running properly without any disruption until such a bill is enacted.

I urge my colleagues to join me in supporting H.R. 6473.

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

I just want to take a minute to acknowledge and express my admiration for the service of the chairman of our committee, the gentleman from Minnesota (Mr. OBERSTAR). The Public Works and Transportation Committee has a long and honorable record here in our Congress. I think the gentleman from Minnesota has been a contributing member of that committee both as a leading staff member, working his way up, and then as a member of the committee representing the Iron Range in northern Minnesota and working his way up to the chairmanship, for a significant percentage of the life of the committee. We are a 200-year-old-or-more-plus country and I think you've been on the committee for at least a quarter of that time.

It has really been a joy for me to be able to learn about the background and history and contexts of a lot of the different decisions that the committee has faced over the years from the gentleman from Minnesota, who in some cases read about them, in other cases experienced firsthand the history that we were discussing and the background of the decisions that we were making. Like any other two Members of a body like this, we've never agreed on everything, but I think we've always tried to be agreeable. I certainly have appreciated that. And I think that there is no question that the people of the Iron Range in northern Minnesota are going to lose a great and dedicated champion with deep roots in the history of that mining region of our country.

I would just like to yield for a brief moment to my chairman on the Education and Labor Committee, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and I appreciate taking a moment to recognize JIM OBERSTAR's service to our country and to the Congress.

As one who came to the Congress with Congressman OBERSTAR, he had such a wealth of knowledge before he was elected as a Member of Congress because of his service in the Congress, on the committee, but just to see him every year become such a remarkable spokesperson for infrastructure and public works and the needs of this country in almost every conceivable form, in maintaining this country and its economy, and to see him become such an authority both in the Congress and across the Nation and around the world on the demands of our economy on the infrastructure and the interrelatedness of those two things. You can't really have one without the other. If you're not growing the infrastructure, you can't grow the economy.

You can't grow the economy if you're not growing the infrastructure. It's a lesson I think that we have maybe painfully learned over the last few months.

He was a spokesperson for doing much more on behalf of the infrastructure but also in behalf of the men and women who are employed in that effort and the people who would be employed in the future with modern airports, modern ports, modern rail systems, smart highway systems and an integrated transportation system. I have been very proud to serve with you all of this time, all of our time together in the Congress. Thank you for your knowledge and for your service.

Mr. PETRI. Before I wrap up, just one last point, and that is that I think one thing I've learned watching JIM OBERSTAR is the way he has expressed appreciation for and treated the people he works with on the staff of the committee and in the House. I think the fact that he spent many years as a staffer himself, sometimes you get angry about things but he always recognized the contribution and the importance of the work that was being done by people who devoted their lives often not in the public spotlight but even in more important endeavors as they actually worked out the details of legislation that were working with us, such as David Heymsfeld that he just referred to.

For these and many other reasons, you, sir, shall be missed.

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

Mr. COSTELLO. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland, a member of the committee and also a subcommittee chairman, Mr. CUMMINGS.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding, and I certainly support the legislation, but I wanted to take a moment to express my thankfulness to the gentleman from Minnesota, Chairman OBERSTAR. You know, so often we look at our lives and we question how they will intersect with other people's lives. And we hope that when those intersections come about that we are made a better person because of them. And I can say that when my life eclipsed with that of JIM OBERSTAR's, my life became a better life.

As the chairman of the Coast Guard subcommittee, the gentleman from Minnesota was consistently there guiding, showing me the ropes and giving me an opportunity to be all that I could be. It's not every chairman that does that, that says, I'm going to allow you to be all that you can be and then give you the guidance to get there, and then support you throughout.

I've learned a lot in all my years, and it's been about 15 years on that committee, from our chairman. But there is also the thing that a number of other people have already said. I've been just amazed with his leadership and his passion with regard to the issues of aviation, the Coast Guard, water, rail, and all of our other subjects. Not only is he a walking encyclopedia, but he is also one who brings a strong history to those issues and has been truly a professor, a guide and a true leader. They say that leaders, people want to follow people who have integrity, who have commitment, who will go the extra mile.

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

Mr. COSTELLO. I yield the gentleman an additional minute.

Mr. CUMMINGS. True leaders. JIM OBERSTAR is one who we know that even in those moments, as the Greek theologian Swindoll said, when he was unseen, unnoticed, unappreciated and unapplauded that he still did the right thing. That's what leadership is all about. Generations will be better off because Chairman OBERSTAR touched our lives. I wish him well.

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

Let me also say to Chairman OBERSTAR, I want to thank him for his kind words about this legislation and the work that both myself and the gentleman from Wisconsin (Mr. PETRI) has done. But actually every team has to have a captain and a leader and he has been the leader. He is the person that drove every transportation bill in the last several years coming out of the Transportation Committee on the floor of this House.

I have said many times both here in Washington and back in Illinois that no one in the Congress of the United States or in my opinion in the entire country knows more about transportation issues than JIM OBERSTAR. He's given all of his adult life to serve his country. His entire time here both as a staff person and as a member and then as chairman of the Transportation Committee, he has left us with a legacy that we can be very proud of. And I am very certain that as we end this Congress and move on to the 112th, as we are taking up our business, we will all turn to him and continue to ask him for his advice and to help us guide our way into the future as to how we can improve the quality of life for the people of this country by improving our transportation system.

□ 1240

I thank him for not only his service, but personally for his guidance to me. He has been a mentor. Everything that I have learned about aviation I learned from JIM OBERSTAR. I wish him well and look forward to having him take my phone calls many times in the future as I turn to him for advice.

Mr. Speaker, I ask for strong support for this legislation.

Mr. MICA. Mr. Speaker, it is unfortunate that we find ourselves considering the 17th FAA Extension bill.

As of September 30th, it has been three years since the FAA was last authorized. This has been the longest period of time between FAA reauthorizations in decades, but still Congress has been unable to reach agreement on a final FAA bill.

I know we are all disappointed that we have not been able to reach agreement on a full reauthorization package. Such a bill would:

Ensure stable funding for airport projects across the country, providing for long-term construction jobs;

Advance implementation of the Next Generation Air Traffic Control system; and

Improve aviation safety standards.

Both bodies have been negotiating to produce a final FAA bill that sets priorities and improves our airspace system.

Unfortunately, Congress just cannot seem to get the job done.

In the 112th Congress the FAA Reauthorization bill will be a top priority for the Committee. We will work closely with our colleagues across the aisle and in the other chamber to complete a bill as quickly as possible.

So, while I am sorry we were unable to reach agreement on a bill in this Congress, I support this extension to keep FAA up and running until we complete the bill next year. I urge my colleagues to adopt the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. COSTELLO) that the House suspend the rules and pass the bill, H.R. 6473.

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.

PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6469

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

SECTION 1. CONDITION OF RECEIPT OF FUNDS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM.

Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended by adding at the end the following:

''(u) INELIGIBILITY OF INSTITUTIONS.—An institution shall be ineligible for funds under this section if such institution employs a child care staff member who—

''(1) refuses to consent to a criminal background check that includes—

''(A) a search of the State criminal registry or repository in the State where the child care staff member resides and each State where such staff member previously resided;

''(B) a search of State-based child abuse and neglect registries and databases in the State where the child care staff member resides and each State where such staff member previously resided;

''(C) a search of the National Crime Information Center;

''(D) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

''(E) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

''(2) makes a false statement in connection with such criminal background check;

''(3) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of a felony consisting of—

''(A) homicide;

''(B) child abuse or neglect;

''(C) a crime against children, including child pornography;

''(D) spousal abuse;

''(E) a crime involving rape or sexual assault;

''(F) kidnapping;

''(G) arson; or

''(H) physical assault, battery, or a drug-related offense, committed within the past 5 years.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may revise and extend and insert extraneous material on H.R. 6469 into the RECORD.

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

There was no objection.

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

Mr. Speaker, Members of the House, today we take up a suspension that requires all participating child care feeding situations to run background checks on people participating in those settings. We do so in support of children across this country who are hungry and who don't have access to nutritious meals and who couldn't vote in November, and support of this legislation will allow us to pass a clean child nutrition bill. They are the ones who don't have a voice but need our help.

Yesterday we postponed final consideration of the child nutrition legislation so we could fully address the issues of protecting our children while also ensuring passage of the child nutrition legislation. Our children cannot afford any more delays. Time is running out in this Congress.

This bill before us today ensures, along with State and Federal laws, that all children will be protected in child care. I support this bill and hope that it will pass.

In an effort to prevent passage of the child nutrition bill, the Republicans decided yesterday to offer a motion to kill the bill and unfortunately to play politics with two important issues—our children's safety and our children's health. Make no mistake about it: If we accept the motion to recommit, we will kill the child nutrition bill.

Today, this House can take action to both keep children safe and keep them healthy by voting for this suspension, against the killer motion to recommit, and for the child nutrition bill.

H.R. 6469 is identical to the background check provisions offered by the minority and will help ensure that our Nation's children are protected from individuals with a history of criminal or abusive behavior. This legislation helps parents by giving them assurance that any child care provider participating in the Child and Adult Care Food Program has undergone criminal background checks.

Today's Federal law requires all participants in day care centers and homes that participate in the Child and Adult Care Feeding Program to be licensed and approved to provide care by State or local agencies. There is more to be done to keep children safe and in child care, and I hope the Republicans will join me in working to make this happen when we take up the reauthorization of the Child Care and Development Block Grant.

In the area of background checks for child care programs, most States have acted already in some fashion. For example, all but two States require criminal background checks for child care center employees. Furthermore, all but seven States require screening for child abuse and neglect. This legislation goes a step further by ensuring comprehensive background checks have been done for the providers at all child care programs participating in the Child and Adult Care Feeding Program.

This legislation is an important opportunity to vote in favor of protecting our Nation's children from harm. I urge our colleagues to join me in supporting this legislation and later today to vote against the motion to recommit and for passage of the child nutrition bill, the Healthy, Hunger-Free Kids Act.

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Members on the other side of the aisle talked a great deal yesterday—and even again today—about playing politics and gotchas here on the House floor, so I feel compelled to take a moment to set the record straight.

Yesterday, the House was supposed to debate and vote on a bill to reauthorize Federal child nutrition programs. Rather than allowing Members to offer amendments and fully engage in the legislative process, the majority decided the U.S. House of Representatives should have no say in these programs that affect childhood health and wellness. Members of the House would have no involvement in writing initiatives to spend an additional $4.5 billion in hard-earned taxpayer dollars on legislation that imposes significant operational and financial costs on our local school districts.

They brought this massive child nutrition bill—$4.5 billion in new spending and 17 new or expanded Federal programs—to the floor under a closed rule. For the record, it was the 97th closed rule in the 4 years Democrats have controlled the people's House, 97th closed rule. Apparently it's easier to dictate the outcome when you prevent legislators from legislating. Talk about a gotcha. That's why I offered a motion to recommit, the one and only chance we had to remove some of the bill's most harmful provisions and insert stronger protections for our children.

My modest amendment included a pair of noncontroversial changes to the underlying bill that should have passed the House overwhelmingly, but that did not fit in the majority's plan. You see, as I said less than 24 hours ago, the clock is winding down on the 111th Congress, and there is a rush to push through as many bills at the last minute as this outgoing majority can manage.

As we witnessed yesterday, the sprint to the finish means the sacrifice of a deliberative process. I don't know about anyone else, but this seems all too familiar. Perhaps that's because it was just this year when the Democrats passed a massive government takeover of health care under a closed process. They denied Members an opportunity to offer their ideas or amendments. They promised the country a fiscally responsible plan while cutting backroom deals to hide the true cost of the legislation. All this was done in an effort to pass a partisan bill the American people have rejected.

Instead of letting lawmakers do our job and pass the best bill we can, the majority shut down the legislative process to defeat improvements to legislation while pretending to support them. Talk about playing politics.

Members will come to the floor shortly to support this bill, and why shouldn't they? This proposal, taken from my motion to recommit, the child nutrition legislation, protects children by requiring background checks for child care providers participating in Federal meal programs. It's a good proposal, which is why it belongs in the child nutrition legislation. Instead, we understand the majority party plans to execute a stunning same-day flip-flop, voting for these background checks now only to oppose them when they really count, as an improvement in the broader bill.

□ 1250

They will be for it before they are against it. This procedural gimmick may fix the political problem but leaves the policy broken. For anyone

still wondering why the American people hold their elected representatives in such low regard, I believe this is it.

Notably absent from this so-called cover vote is the other piece of our motion to recommit. The Republican plan would eliminate the middle class tax hidden in the child nutrition legislation. The Democrats' bill imposes an unprecedented Federal price mandate for paid school meals. As a result, many schools may have to increase the prices they charge children who pay for their meals.

The National Governors Association and leading school groups oppose this provision because it will drive up costs for families and punish schools that have worked hard to hold down costs while providing higher-quality meals. Our proposal would have blocked this harmful tax on working families.

We proposed, during the one and only opportunity we had to do so, a modest pair of corrections that would have made the bill better, our children safer, all while protecting working families. The majority party wants to defeat those corrections, but they cannot do so without political cover. So here we stand.

Mr. Speaker, at this time I am pleased to yield 5 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Minnesota for yielding the time.

I know full well from my experience in the State legislature, as well as working on the transition team here, that when one speaks of procedural issues, usually people's eyes glaze over. They are boring issues. However, good procedures do create good policy. Poor procedures create what we are doing here today.

As was said by the gentleman from Minnesota, had the motion to recommit, an amendment, been approved by this body, it would be attached in its entirety to the entire bill. This bill, if it goes to the President's desk, would have all of that language in it.

By changing the procedure, pulling the bill from the floor before the vote and now stripping out part of the motion to recommit and doing it as a suspension, it allows us once again to have political coverage that won't take place in reality of making changes in what happens to this bill or in the real world. For we all know the suspension that we pass here has a very high likelihood of dying in this session.

So we can come down here and say, yes, we want to protect our kids from predators and vote for the suspension knowing full well that that probably will never go into effect. It will die over in the Senate, if it gets that far, and then we'll vote for a bill that no longer has that concept that the House seemed, or at least appeared that it wanted, to add to this provision part of that.

And one of the rationales for doing that is because, well, most of the States already have those types of procedures. I hate to say this, but that argument can be used for almost all of this bill. See, one of the things that would not be included if indeed the suspension passes and then the motion to recommit fails is the deal with section 205, which, as was mentioned earlier, deals with the amount of money that people will pay—not for reduced lunches—but people will pay just because they don't qualify for reduced lunches.

I hate to use a personal example, but I've got to. As many of you know, I was a school teacher before I joined this august body. Now, this is not something great to note, but as a school teacher, I qualified under the standards for reduced lunches for my five kids. And as a school teacher who qualified for those reduced lunches, I refused to take advantage of that opportunity. I figured that no one had a gun to my head when I had the kids; it was my responsibility now to take care of my kids.

I don't think I'm unusual in that respect. I think there are hundreds of thousands of people who have the same attitude, that they want to take the responsibility for their progeny and the responsibility for what takes place. And, unfortunately, if this provision, section 205, is allowed to stay in the bill, it means the Federal Government—not local school districts, not boards where you actually have a chance to talk to people and they understand the demographics and the reasons—they will make the decision of what people who are paying the full price will pay for that price.

It can go up whenever someone wants it to go up, and has been mentioned, it becomes a disincentive for people to be responsible, to not ask the government to bail them out, to take responsibility and pay for at least school lunches for their own kids or school breakfasts or whatever the process has.

It becomes a counterintuitive argument that harms the process. And why? It's because the decision on what level that payment will be will no longer be made on the local school district level or at least at the State level. It will be made here where a one-size-fits-all program does indeed fail the process.

Now, this is simply—I don't want to call it political gamesmanship, but it is poor procedure that will result in two votes: one vote that is totally meaningless and another vote that misses the mark and does not improve what we're trying to do or what we should do in schools, and that is, allow people who really understand the process to have the final say at the local level where kids are, where the parents are, and where reality should hit. Not here.

Once again, this is not a school board. However often we have tried to act like one, we still are not.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman; and, frankly, I think it's important for my colleagues to recognize that we have been there, done that. And I don't know how the minority consistently managed to trample on a need that America has had and that this Congress and this leadership and this President is trying to cure.

Robert F. Kennedy was one of the first elected officials to draw our attention to the extensive poverty in America. Going into the Appalachian Mountains, he showed the world how children woke up hungry and went to bed hungry.

It is well that the President's commitment and the first lady's charge have been to put our children on the front pages of America.

So I rise to support the underlying Healthy Hunger-Free Kids Act, recognizing we're discussing a suspension that involves all manner of confusion.

But I want America to understand what is really being addressed, which I hope my colleagues will overwhelmingly support. It is to complement the deficiencies of food stamps. It is to recognize that some children get their healthiest meals at breakfast and lunch and possibly, because of this program, through the weekend. It connects learning abilities with being well-nourished. And it speaks not to yesterday, but it speaks to tomorrow, the future of America.

Now, many of us were concerned of how this was paid for. But if you look closely at it, it's an outlay. And the question of food stamps has been addressed by discussions that we have had, and no cuts in food stamps will occur at this time.

But what will occur is that we will bring out of the drain of poverty those children that are our responsibility. I believe it is crucial that we support this legislation now and that we address all manner of information and representation that our friends have.

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

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. That we deal with the question of sexual predators which, as the chair of the Congressional Children's Caucus, I've worked on extensively. We deal with questions of potential fraud, which I don't know where our colleagues are documenting that.

But what we need to address is the 21 million meals provided through this provision that will offer more incentives for a more comprehensive school program and allow our children to learn and live. If America doesn't accept that as a challenge that it must connect with, then I don't know who we are as a people.

I'm gratified that we have finally recognized that poverty must finally be extinguished. I ask my colleagues to vote for the bill going forward for our children and our country.

I rise today to speak about S. 3307, the Healthy, Hunger-Free Kids Act of 2010.

S. 3307, the Healthy, Hunger-Free Kids Act, is the child nutrition reauthorization legislation that has already passed unanimously in the Senate. The legislation would dramatically improve the quality of meals children eat in school and in child care programs, increase the number of healthy meals available to needy children and provide the first real increase in the Federal reimbursement rate for school lunches in over 30 years. The legislation would also eliminate junk food from schools by requiring schools, for the first time, to apply nutritional standards to food served outside the cafeteria.

Mr. Speaker, while I wholeheartedly support what the Healthy, Hunger-Free Kids Act will do, it is unfortunate that we will have to take money away from the SNAP program in order to fund it.

I am concerned that the bill is paid for with a severe reduction in SNAP ARRA benefits and that it does not fully address the access improvements needed to connect children with those programs. In particular, I worry about the potential impact this could have on low-income children and families. I remain strong in my position to ensure that those participating in the food stamp program will not face negative consequences as a result of the child nutrition bill. While the funding of this bill concerns me, both the SNAP benefits and the Healthy, Hunger-Free Kids Act are necessary to reduce hunger and to improve our Nation's health. It would be a shame if either program were to fall by the wayside. Our President has indicated that he has all intention to ensure a positive commit to the restoration of SNAP funds; and given that commitment, I stand here today in support of the Healthy, Hunger-Free Kids Act of 2010. Finally, I believe the commitment to cure any funding issue calls for strong support of this bill.

Mr. Speaker, we should remember that this Act is not an attempt to borrow money from one social welfare program to fund another. The intention is to assure that both programs, which will benefit the health and wellbeing of children, are adequately funded. Under this bill, children who are on food stamps will receive healthy meals while at school, and should receive healthy dinners and weekend meals as well.

I recognize that one in four children is at risk of hunger and that one in three is overweight or obese, our children cannot afford to wait for the improvements to child nutrition that are made in the Healthy, Hunger-Free Kids Act. Numerous organizations and advocacy groups that are working to reduce hunger and improve nutrition amongst children are in support of this legislation.

In turn, it is also important to recognize that the Healthy, Hunger-Free Kids Act will also provide more meals for children at risk. Included in this act is a provision that will reimburse the Child and Adult Care Food Programs (CACFP) in all fifty states for meals provided to children after-school. It is widely known, that children who are able to stay after school, and not unsupervised on the streets, are more apt to succeed academically. The 21 million meals provided through this provision will offer more incentives for more comprehensive after school programs that will subsequently improve our nation's overall academic performance.

The United States' obesity rates are higher than the majority of civilized countries in the world. Nutrition and healthy living is a learned behavior, one that is best learned at young ages. Children will not have proper nutrition if their parents and guardians do not provide it for them. While parents undoubtedly have their children's best interest at heart, it is an unfortunate fact that many families simply cannot afford to provide their children with elements of a nutritious diet composed of healthier ingredients.

In a 2008 American School Health Association study, published in the Journal of School Health, the effects of a healthy diet on academic performance were examined and the findings were incredible. It was deduced that a diverse selection of food, to meet the recommended number of servings of each food group, along with a higher consumption of fruit and vegetables, are critical to strong academic performance. The Healthy, Hunger-Free Kids Act of 2010 provides access to healthier food services to our Nation's children. America's children deserve the opportunity to eat healthily, to live healthily, and to succeed academically.

Mr. Speaker, as I stand here to speak on behalf of my constituents in Houston, and on behalf of all Texans, I support this child nutrition initiative. According to the Texas Department of Agriculture, there are approximately 2.9 million participants in the school lunch programs statewide. The Healthy, Hunger-Free Kids Act will undoubtedly support those school lunch programs, and will also ensure that our youth receives a healthy, balanced meal while at school. Though these meals are offered only at school, they encourage healthier eating habits that will hopefully extend throughout the day and throughout their lives. It is absolutely imperative that our Nation's schools educate children at a young age about healthy active lifestyles and smart food choices.

I support the Healthy, Hunger-Free Kids Act of 2010 because of its nutrition initiatives aimed at our Nation's youth and because it portends billions of dollars in savings over the next ten years. Both nutrition and savings are important to our children's futures. This Act will save $1 billion over the next ten years by requiring that 12% of Federal support for the National School Lunch Program will be provided in the form of commodity foods. Furthermore, approximately $1.3 billion will be saved over the next ten years by restructuring the education component of the SNAP into a new grant program; it will eliminate the requirement for States to provide matching funds, and will distribute Federal funds instead.

The Healthy, Hunger-Free Kids Act is an important step towards a healthier future for our children. However, I maintain that it is absolutely necessary that SNAP funds are restored, and that that program is not foregone in our efforts. I urge my colleagues to mirror the Senate, and to support this bill, while calling for a commitment to restoring the SNAP funds.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself the balance of my time.

We're told that in a few minutes we will resume the debate on child nutrition where we left off yesterday before we were abruptly interrupted by the majority's strategy to prevent legislators from legislating.

□ 1300

I urge my colleagues, if you support these sensible and important protections for children and working families, support our commonsense motion to recommit. Listen to the National School Boards Association, who in a letter today wrote, ''The motion to recommit recognizes that Federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs.'' They are urging Congress to support the motion to recommit.

Listen to child care experts with the National Association of Child Care Resource & Referral Agencies, who today announced strong support for the motion to recommit to require a background check on all child care providers who participate in Federal child nutrition programs.

Mr. Speaker, I support the suspension. I ask my colleagues to support this suspension. But please, support the motion to recommit and provide the real protections our children and families need and deserve.

NATIONAL ASSOCIATION OF CHILD CARE RESOURCE & REFERRAL AGENCIES,
Arlington, VA, December 2, 2010.

Hon. JOHN KLINE,
Senior Republican Member, U.S. Committee on Education and Labor, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE KLINE: The National Association of Child Care Resource & Referral Agencies (NACCRRA) strongly supports your Motion to Recommit to S. 3307, Healthy, Hunger-Free Kids Act of 2010, to require a background check on all child care providers who participate in federal child nutrition programs.

NACCRRA works with more than 700 state and local Child Care Resource and Referral agencies (CCR&Rs) throughout the nation. These agencies help ensure that families in 99 percent of all populated zip codes in the United States have access to high-quality, affordable child care.

NACCRRA has released several reports that examine state laws and regulations with regard to child care centers and family child care homes. The most recent state requirements reveal that only half the states conduct effective background checks on child care workers—state and federal fingerprint record checks, a check of the sex offender and child abuse and neglect registries. A name check alone leaves children to chance.

Without a comprehensive check, parents have no way of knowing whether their child care provider has a criminal history. In fact, NACCRRA's 2010 nationwide poll of parents shows that 92 percent of parents support a background check for child care providers. Parents want their children to be safe. The reality is that background check requirements vary greatly by state and most fail to ensure that providers with a criminal history are not caring for children.

NACCRRA commends your leadership on this issue. Your efforts to ensure that all children are safe in child care and that no one with a violent criminal history is paid to provide child care with federal funds is a testament to your dedication to helping parents know their children are safe while they work.

Sincerely,

LINDA K. SMITH,
Executive Director.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 2, 2010.

Re Motion to Recommit on S. 3307.

Hon. GEORGE MILLER,
Chairman, Committee on Education and Labor, House of Representatives, Washington, DC.

Hon. JOHN P. KLINE,
Ranking Member, Committee on Education and Labor, House of Representatives, Washington, DC.

DEAR CHAIRMAN MILLER AND RANKING MEMBER KLINE: The National School Boards Association (NSBA), representing over 95,000 local school board members across the Nation through our state school boards associations, is deeply committed to fostering a healthy and positive learning environment for children to achieve their full potential. However, NSBA continues to have grave concerns about the financial and operational impact of the Healthy, Hunger-Free Kids Act (S. 3307) on school districts. The paid meal provision is one example. S. 3307 regulates how districts establish prices for unsubsidized meals, creating an access issue and a local control issue. School districts may try to keep the price of paid meals low in order to assure that children from low-income families that don't qualify for subsidized meals can still afford a school lunch. Local school districts are in the best position to determine how to price their meals in order to balance what school districts can afford and what families can afford in these economically challenging times. The Motion to Recommit recognizes that federal regulation of the paid meal price is not in the best interest of school districts implementing school meal programs. We urge you to support the Motion to Recommit as a means to enable the Congress to give more thorough review of the entire bill and to address several objections NSBA has to S. 3307 in its current form.

Questions regarding our concerns may be directed to Lucy Gettman, director of federal programs at 703–838–6763; or by e-mail at lgettnian@nsba.org.

Sincerely,

MICHAEL A. RESNICK,
Associate Executive Director.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, it was said that yesterday we rose so that we would be able to defeat the motion to recommit on the child nutrition bill, that somehow this was a misuse or abuse of procedure. I think what we see today is that we were very wise to do that, because the intent of that motion to recommit on the child nutrition bill was to kill the bill.

Now, ordinarily we would have accepted that motion to recommit on this bill. But we are all aware, we are beat over the head in this House with what's going on in the Senate. The Senate Republican leaders just sent a letter signed by all 42 Republicans that they would not consider any legislation until the tax cut legislation is dealt with. In The New York Times, it says it will cast a long shadow over all remaining legislation before their body. In The Wall Street Journal, The Wall Street Journal says that it throws a roadblock up before an array of other issues that have been proposed in the Senate.

We knew yesterday that we were dealing with a bill that came from the Senate that was the subject of many hearings in the Senate committee, that passed after debate and amendment unanimously, bipartisanly out of the committee. It was reported to the floor and, after debate, was passed unanimously on a bipartisan basis in the Senate.

We also know that we are not going to be able to offer the House bill that Mr. KLINE, myself, our staffs, the members of our committee on both sides of the aisle worked on because we cannot get it considered in the Senate. We know that we must take, now, the Senate bill if we are going to make the progress on many of the issues that we agree on across this aisle that are in this bill. But we also know that we will not be able to change this bill from the Senate that passed unanimously and send it back into that Senate in the current array, because now any Senator will be able to object to what was previously done by unanimous consent because of other issues that are taking place in the Senate.

While we agree on the substance of the motion to recommit, we could not let that kill this bill. So today the Members can make their concerns known and vote for the suspension. I hope they will on both sides of the aisle. That can be sent to the Senate. And if the Senate feels the same urgency that we do about the protection of our children, both to make them safe and make them healthy, they can take up that suspension vote by UC sometime late before Christmas and pass it.

If not, I am sorry to say the gentleman will be chairman of the committee in January, and this can come out on—I am not sorry that you will be the chair—I am kind of sorry that you will be the chairman—not that you will be the chairman, but the chairmanship will go to the other side of the aisle. But anyway, this can come up on suspension and be sent to the Senate.

But we cannot risk the value of the underlying child nutrition bill. We cannot risk the changes that it makes to make those school lunches and breakfasts and nutrition programs safer for our children with the changes in the recall law when something goes very wrong in our food supply in this country and children's lives are threatened, their health is threatened, as are families of general recalls. The schools must be notified on a timely basis.

We cannot give up the opportunity that's in this bill to provide for healthier meals to combat this incredible increase in our Nation of obesity and diabetes and children presenting with adult diseases and illnesses because of diet. This is one of the first lines of defense against obesity and diabetes as designed by the American Pediatrics Association, the Nutrition Association, people who are concerned with and understand and deal with, on an everyday basis, the health of America's children. We are trying to incorporate that in this legislation. So that's what's at risk here.

So we are trying to do it the best way for the Members of the House, where we don't have to put at risk the child nutrition bill, but we can clearly state that this is a priority of the House to protect our children in these settings by having background checks for the providers of those.

I would suggest that it may be better done in the next session, when we can look at what is the cost of that on small providers, on family day care providers. There is some story out today suggesting it may be hundreds of dollars per provider or hundreds of dollars per employee. So we can look at that. But the fact of the matter is the letter sent by Senator MCCONNELL to Senator REID basically says no other issues will come up before the tax cuts are dealt with.

Now, the tax cuts, what he is saying is, until they get the tax cuts for the wealthiest people in this country, the poor children in this country who need child nutrition, who need school lunches, who need school breakfasts will have to wait. This House has an alternative. We can vote to pass the child nutrition bill and we can send it to the President of the United States today, and then they will be assured that those school lunches that are healthier, that are safer will be there. And finally, let me say, they will also be assured, as will their parents and the taxpayers of this Nation, that the moneys that we appropriate for eligible children will be used on eligible children, that we are not going to cross-subsidize other activities in the school with Federal moneys designed for the lunches and the breakfasts and the snacks of poor children in this country.

And I know that the other side apparently doesn't like this provision of 205, but this is about accountability. We don't allow people in the food stamp program to go out and subsidize other people in the supermarket who think they don't want to pay whatever the price is for what they are buying in the supermarket. We don't say, Oh, here. Take a couple food stamps and do that.

We are not going to use Federal taxpayer dollars and child nutrition dollars to cross-subsidize other activities in schools and then risk the ability to pay for the lunches of the poorest children in this Nation.

So today you can vote for this suspension bill on background checks; you can vote against the motion to recommit, save the child nutrition bill, and send it to the President of the United States and make it the law of the land. And I hope my colleagues will do that and will do it with great pride that we are making dramatic improvements in the child nutrition programs of this Nation to be more efficient, more transparent, to be healthier, and to be safer for this Nation's poor children.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6469.

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. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1310

MIDDLE CLASS TAX RELIEF ACT OF 2010

Mr. LEVIN. Mr. Speaker, pursuant to House Resolution 1745, I call up the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with a Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause, and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Airport and Airway Extension Act of 2010, Part III''.

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''October 1, 2010'' and inserting ''January 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part III'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''October 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2010.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by inserting after paragraph (7) the following:

''(8) $925,000,000 for the 3-month period beginning on October 1, 2010.''.

(2) OBLIGATION OF AMOUNTS.—Subject to limitations specified in advance in appropriation Acts, sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2011, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''.

(c) APPORTIONMENT AMOUNTS.—The Secretary shall apportion in fiscal year 2011 to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(b) Section 41743(e)(2) of such title is amended by striking ''2010'' and inserting ''2011''.

(c) Section 44302(f)(1) of such title is amended—

(1) by striking ''September 30, 2010,'' and inserting ''December 31, 2010,''; and

(2) by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(d) Section 44303(b) of such title is amended by striking ''December 31, 2010,'' and inserting ''March 31, 2011,''.

(e) Section 47107(s)(3) of such title is amended by striking ''October 1, 2010.'' and inserting ''January 1, 2011.''.

(f) Section 47115(j) of such title is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''2010,''.

(g) Section 47141(f) of such title is amended by striking ''September 30, 2010.'' and inserting ''December 31, 2010.''.

(h) Section 49108 of such title is amended by striking ''September 30, 2010'' and inserting ''December 31, 2010,''.

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting '', or in the portion of fiscal year 2011 ending before January 1, 2011,'' after ''fiscal year 2009 or 2010''.

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting ''and for the portion of fiscal year 2011 ending before January 1, 2011,'' after ''October 1, 2010,''.

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking ''September 30, 2010.'' and inserting ''September 30, 2011.''.

(l) The amendments made by this section shall take effect on October 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by inserting after subparagraph (F) the following:

''(G) $2,451,375,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; and''; and

(3) by adding at the end the following:

''(7) $746,250,000 for the 3-month period beginning on October 1, 2010.''.

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (13);

(2) by striking the period at the end of paragraph (14) and inserting ''; and''; and

(3) by adding at the end the following:

''(15) $49,593,750 for the 3-month period beginning on October 1, 2010.''.

SEC. 9. TECHNICAL CORRECTIONS.

Effective as of August 1, 2010, and as if included therein as enacted, the Airline Safety and Federal Aviation Administration Extension Act of 2010 (Public Law 111–216) is amended as follows:

(1) In section 202(a) (124 Stat. 2351) by inserting ''of title 49, United States Code,'' before ''is amended''.

(2) In section 202(b) (124 Stat. 2351) by inserting ''of such title'' before ''is amended''.

(3) In section 203(c)(1) (124 Stat. 2356) by inserting ''of such title'' before ''(as redesignated''.

(4) In section 203(c)(2) (124 Stat. 2357) by inserting ''of such title'' before ''(as redesignated''.

MOTION TO CONCUR

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Levin moves that the House concur in the Senate amendment to H.R. 4853 with an amendment.

The text of the amendment is as follows:

In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Tax 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; etc.

TITLE I—MIDDLE CLASS TAX RELIEF MADE PERMANENT

Sec. 101. Middle class tax relief made permanent.

Sec. 102. Certain provisions not applicable to high income individuals.

Sec. 103. Related amendments.

TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS

Sec. 201. Increased limitations on expensing by small businesses of certain depreciable assets.

TITLE III—EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF

Sec. 301. Extension of alternative minimum tax relief for nonrefundable personal credits.

Sec. 302. Extension of increased alternative minimum tax exemption amount.

TITLE IV—BUDGETARY PROVISION

Sec. 401. Paygo compliance.

TITLE I—MIDDLE CLASS TAX RELIEF MADE PERMANENT

SEC. 101. MIDDLE CLASS TAX RELIEF MADE PERMANENT.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the following provisions of such Act (and to the amendments made by such provisions):

(1) Title I (relating to individual income tax rate reductions).

(2) Title II (relating to tax benefits related to children).

(3) Title III (relating to marriage penalty relief).

(4) Title IV (relating to affordable education provisions).

(b) REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS.—The Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

SEC. 102. CERTAIN PROVISIONS NOT APPLICABLE TO HIGH INCOME INDIVIDUALS.

(a) INDIVIDUAL INCOME TAX RATES.—Subsection (i) of section 1 is amended by striking paragraph (2), by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (1) the following new paragraphs:

''(2) 25- AND 28-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) by substituting '25%' for '28%' each place it appears (before the application of subparagraph (B)), and

''(B) by substituting '28%' for '31%' each place it appears.

''(3) 33-PERCENT RATE BRACKET.—

''(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

''(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

''(I) the applicable amount, over

''(II) the dollar amount at which such bracket begins, and

''(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

''(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

''(i) the applicable threshold, over

''(ii) the sum of the following amounts in effect for the taxable year:

''(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

''(II) the exemption amount (within the meaning of section 151(d)(1)) (or, in the case of subsection (a), 2 such exemption amounts).

''(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term 'applicable threshold' means—

''(i) $250,000 in the case of subsection (a),

''(ii) $200,000 in the case of subsections (b) and (c), and

''(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term 'fourth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting '2008' for '1992' in subsection (f)(3)(B).''.

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(A) by striking ''the applicable amount'' the first place it appears in subsection (a) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(B) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(i) by striking ''the threshold amount'' in subparagraphs (A) and (B) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENT.—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes ''in a calendar year after 1989,'' and inserting the following:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning''.

(c) REDUCED RATE ON CAPITAL GAINS AND DIVIDENDS.—

(1) IN GENERAL.—Paragraph (1) of section (1)(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 36 percent, over

''(II) the sum of the amounts on which tax is determined under subparagraphs (A) and (B),

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),''.

(2) DIVIDENDS.—Subparagraph (A) of section 1(h)(11) is amended by striking ''qualified dividend income'' and inserting ''so much of the qualified dividend income as does not exceed the excess (if any) of—

''(i) the amount of taxable income which would (without regard to this subsection) be taxed at a rate below 36 percent, over

''(ii) taxable income reduced by qualified dividend income.''.

(3) MINIMUM TAX.—Section 55 is amended by adding at the end the following new subsection:

''(f) APPLICATION OF MAXIMUM RATE OF TAX ON NET CAPITAL GAIN OF NONCORPORATE TAXPAYERS.—In the case of taxable years beginning after December 31, 2010, the amount determined under subparagraph (C) of subsection (b)(3) shall be the sum of—

''(1) 15 percent of the lesser of—

''(A) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B) of subsection (b)(3), or

''(B) the excess described in section 1(h)(1)(C)(ii), plus

''(2) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subsection (b)(3)(B) and paragraph (1).''.

(4) CONFORMING AMENDMENTS.—

(A) The following provisions are amended by striking ''15 percent'' and inserting ''20 percent'':

(i) Section 1445(e)(1).

(ii) The second sentence of section 7518(g)(6)(A).

(iii) Section 53511(f)(2) of title 46, United States Code.

(B) Sections 531 and 541 are each amended by striking ''15 percent of'' and inserting ''the product of the highest rate of tax under section 1(c) and''.

(C) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by subparagraphs (A)(i) and (C) of subsection (c)(4) shall apply to amounts paid on or after January 1, 2011.

SEC. 103. RELATED AMENDMENTS.

(a) APPLICATION OF INCREASE IN REFUNDABLE PORTION OF CHILD TAX CREDIT.—

(1) IN GENERAL.—Subsection (d) of section 24 is amended—

(A) by striking ''$10,000'' in paragraph (1)(B)(i) and inserting ''$3,000'', and

(B) by striking paragraphs (3) and (4).

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

(b) APPLICATION OF INCREASE IN EARNED INCOME TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended to read as follows:

''(B) JOINT RETURNS.—

''(i) IN GENERAL.—In the case of a joint return filed by an eligible individual and such individual's spouse, the phaseout amount determined under subparagraph (A) shall be increased by $5,000.

''(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2010, the $5,000 amount in clause (i) 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 in which the taxable year begins determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under the preceding sentence.''.

(2) CONFORMING AMENDMENT.—Subsection (b) of section 32 is amended by striking paragraph (3).

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

(c) APPLICATION TO ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(c) The amendments made by this section shall not apply to taxable years beginning after December 31, 2011.''.

TITLE II—EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS

SEC. 201. INCREASED LIMITATIONS ON EXPENSING BY SMALL BUSINESSES OF CERTAIN DEPRECIABLE ASSETS.

(a) DOLLAR LIMITATION.—Subparagraph (C) of section 179(b)(1) is amended by striking ''$25,000'' and inserting ''$125,000''.

(b) THRESHOLD AT WHICH PHASEOUT BEGINS.—Subparagraph (C) of section 179(b)(2) is amended by striking ''$200,000'' and inserting ''$500,000''.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENTS.—

''(A) IN GENERAL.—In the case of any taxable beginning in a calendar year after 2011, the $125,000 and $500,000 amounts in paragraphs (1)(C) and (2)(C) shall each 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 in which the taxable year begins determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) AUTHORITY TO REVOKE ELECTION MADE PERMANENT.—Paragraph (2) of section 179(c) is amended by striking ''and before 2012''.

(e) TREATMENT OF CERTAIN COMPUTER SOFTWARE AS SECTION 179 PROPERTY MADE PERMANENT.—Clause (ii) of section 179(d)(1)(A) is amended by striking ''and before 2012''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE III—EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF

SEC. 301. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, or 2009'' and inserting ''the period beginning with calendar year 2000 and ending with calendar year 2011'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 302. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''($70,950 in the case of taxable years beginning in 2009)'' in subparagraph (A) and inserting ''($72,450 in the case of taxable years beginning in 2010 or 2011)'', and

(2) by striking ''($46,700 in the case of taxable years beginning in 2009)'' in subparagraph (B) and inserting ''($47,450 in the case of taxable years beginning in 2010 or 2011)''.

(b) NONAPPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 701 of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE IV—BUDGETARY PROVISION

SEC. 401. PAYGO COMPLIANCE.

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

The SPEAKER pro tempore. Pursuant to House Resolution 1745, the motion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

Colleagues, the time has come. This is the moment to stand up and be counted on middle-income tax cuts. The Republicans want to continue to keep middle-income tax cuts hostage, hostage until it's combined with upper-income tax cuts. It's, in part, because they don't want to have to vote separately on tax cuts for the very wealthy.

But, as I have said, the time has come. We must not let middle-income taxpayers remain hostage to a partisan agenda. Indeed, I was going back over comments that have been made these last months, and I refer to one from my colleague from Michigan, the ranking member. He is here.

He said, just a few months ago, in talking to AP, that it would be difficult to block extension of middle-income tax cuts, even if it doesn't stop tax rates from increasing for high earners saying, ''I will probably vote for it myself.''

Today is the test whether the hostage-taking ends. Every single provision here, every single one, is about tax cuts, tax cuts that are so important for this country.

And let me, if I might, refer to some of them. For families making less than $250,000 a year, this bill permanently extends the following, the 2001–2003 tax cuts, including the current income tax rates. That means a lot for middle-income families throughout this country, the marriage penalty relief that means so much for tens of thousands, for millions of families, lower rates on capital gains and dividends and the $1,000 child tax credit.

For 2 years, very importantly, this bill will protect more than 25 million taxpayers from the AMT, the alternative minimum tax, by extending it, as I said, for 2 years through 2011. And, importantly, it permanently extends the small business expensing. So added all up, these tax cuts, we are talking tax cuts for middle-American families and small businesses of tax cuts over 10 years of $1.5 trillion.

And I want say something and be very clear because often it's raised about small businesses, America's small businesses receive a tax cut under this bill. It's only 3 percent of the very wealthy which will not receive a larger tax cut.

So, in a word, the time has come. The smoke screen is now being lifted by this bill. You have a chance to stand up or back down on tax cuts for the middle-income families of our country.

I hope that we can rise above partisan politics. I hope that we can keep in mind the millions of families who are counting on action by us and no longer holding them hostage.

I reserve the balance of my time.

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

The unemployment rate in October, the latest data available, was 9.6 percent. That marked 15 consecutive months we are at or above 9.5 percent unemployment in this country, the longest period since the Great Depression. All told, 48 out of 50 States have lost jobs since the so-called $1 trillion stimulus bill and nearly 15 million Americans remain unemployed.

What's a Democrat's answer to the Great Recession? Increased taxes, but not just any taxes. Democrats in the bill before us today are targeting half of all small business income in the country. Democrats are targeting the very employers we need, hiring more workers, and buying more equipment, not paying more taxes.

Let's face it, this bill is as misguided as it is futile. This is the wrong policy at the wrong time and the majority is wrong to bring it to the floor today.

In fact, many of their own Members agree with me. I have here in my hand a letter signed by over 30 Democrat Members of the House and let me read what they wrote:

''In recent weeks we have heard from a diverse spectrum of economists, small business owners and families who have voiced their concerns that raising any taxes right now could negatively impact economic growth. Given the continued fragility of our economy and slow pace of our recovery, we share their concerns.''

I want to repeat that: raising any taxes right now could negatively impact economic growth.

Set aside for a minute the economists and the political rhetoric, and let's look at what small businesses say the impact of this tax-hiking legislation will be.

According to the National Federation of Independent Small Businesses, the businesses most likely to face a tax increase by raising the top two rates are businesses employing between 20 and 250 employees.

□ 1320

According to the U.S. Census data, businesses with between 20 and 299

workers employ more than 25 percent of the total workforce. Those who are most likely to be hit by these tax increases employ one out of every four workers in this Nation. This Democrat tax hike is putting a target on the back of every worker in every small business in America.

As for the futility of this exercise, it would be comical if it weren't so irresponsible. Democrats can barely muster the votes for this bill in the House. I'm told they had to whip the bill and hold a special caucus this morning just to move forward. Their position is so precarious, they won't even allow Republicans to offer amendments or any alternative. Why? Because Democrats know the Republican bill to extend the current rates for all taxpayers would pass with broad bipartisan support.

So, once again, House Democrats have closed down the amendment process in order to pass a bill that will never see the light of day in the Senate. Just yesterday, 42 Senators sent a letter to Majority Leader REID and stated in no uncertain terms that they ''will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers.''

Clearly, this bill is going nowhere. Democrats are wasting time while Americans are looking for work. Democrats are playing games while Americans struggle to make ends meet. The American people did not send us here to posture. They sent us here to provide solutions. I had hoped that after the election, we would get down to working together to solve the serious problems Americans are facing. That's why I was encouraged the President agreed to have Republicans and Democrats, House and Senate Members, sit down with his administration to hammer out a deal on these expiring tax rates. I thought maybe we had turned a corner.

Instead of letting that process work itself out, instead of working with Republicans to prevent job-killing tax increases, House Democrats are back at it again, putting politics ahead of everything else. This is a time for serious negotiations and solutions, not political stunts. Far too much is at stake. Far too many families are out of work, and far too many families will soon see real and sizeable amounts of money taken out of their paychecks if the Democrats continue with these games.

I urge my colleagues to reject this Democratic tax hike, this job-killing tax hike.

U.S. SENATE,
Washington, DC, November 29, 2010.

HON. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER REID: The Nation's unemployment level, stuck near 10 percent, is unacceptable to Americans. Senate Republicans have been urging Congress to make private-sector job creation a priority all year. President Obama in his first speech after the November election said ''we owe'' it to the American people to ''focus on those issues that affect their jobs.'' He went on to say that Americans ''want jobs to come back faster.'' Our constituents have repeatedly asked us to focus on creating an environment for private-sector job growth; it is time that our constituents' priorities become the Senate's priorities.

For that reason, we write to inform you that we will not agree to invoke cloture on the motion to proceed to any legislative item until the Senate has acted to fund the government and we have prevented the tax increase that is currently awaiting all American taxpayers. With little time left in this Congressional session, legislative scheduling should be focused on these critical priorities. While there are other items that might ultimately be worthy of the Senate's attention, we cannot agree to prioritize any matters above the critical issues of funding the government and preventing a job-killing tax hike.

Given our struggling economy, preventing the tax increase and providing economic certainty should be our top priority. Without Congressional action by December 31, all American taxpayers will be hit by an increase in their individual income tax rates and investment income through the capital gains and dividend rates. If Congress were to adopt the President's tax proposal to prevent the tax increase for only some Americans, small businesses would be targeted with a job-killing tax increase at the worst possible time. Specifically, more than 750,000 small businesses will see a tax increase, which will affect 50 percent of small business income and nearly 25 percent of the entire workforce. The death tax rate will also climb from zero percent to 55 percent, which makes it the top concern for America's small businesses. Republicans and Democrats agree that small businesses create most new jobs, so we ought to be able to agree that raising taxes on small businesses is the wrong remedy in this economy. Finally, Congress still needs to act on the ''tax extenders'' and the alternative minimum tax ''patch,'' all of which expired on December 31, 2009.

We look forward to continuing to work with you in a constructive manner to keep the government operating and provide the nation's small businesses with economic certainty that the job-killing tax hike will be prevented.

Sincerely,

MITCH MCCONNELL,
Republican Leader.
JON KYL,
Republican Whip.

[40 additional signatures omitted]

I reserve the balance of my time.

Mr. LEVIN. I yield 15 seconds to myself.

This is the fact from the Tax Policy Center: Only 3 percent of small businesses would be affected, and of that, only a small amount get most of their income from small businesses. This isn't about politics, Mr. CAMP; this is about people.

I yield 3 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

I rise in strong support of this legislation as the best way to move our economy forward. The Middle Class Tax Relief Act extends significant tax relief to every American. Let me say that again: Every American. Under this legislation, no matter how much you make, the first $250,000 will continue to benefit from today's lower rates. And given the softness in our economy and the number of households that are still struggling, that's the right thing to do.

But what this legislation does not do is put an additional $700 billion on our national credit card, as our Republican colleagues would like to do, by extending an extra bonus tax cut to the folks at the very, very top. Instead, for the top 2 percent, those reporting income over $250,000, we have the Clinton-era tax rates on just that additional portion of that income.

And with our annual deficits now topping $1 trillion, and our national debt approaching $13 trillion, it's the right thing to do to make sure our economy is on a sustainable footing for the future. We have the bipartisan commission debating that question right now, and yet our colleagues want to put $700 billion on our credit card.

Now our colleagues that we've just heard have said this is necessary to create jobs. Really? These are the tax rates that are in effect today, and during the Bush years and during the 8 years of the Bush administration, 600,000 private-sector workers lost their jobs with these rates compared to the Clinton administration, with 23 million jobs created in the Clinton administration with the old rates at that particular time. Moreover, the nonpartisan Congressional Budget Office recently looked at 11 different options for strengthening the economy. This one came in dead last.

Now we also heard from our colleagues that they tried to use small businesses as a smokescreen for their plan to protect this bonus break for the folks at the top. First of all, as my colleague said, only 3 percent of small businesses are affected, 3 percent, 97 percent, not. But what's interesting is when you look at those 3 percent, what you find out is in the definition of the tax code, one that apparently has been used by our colleagues, people will be surprised to find a lot of mom and pop operations like Pricewaterhouse-Coopers, asset manager Fidelity Investments and the private equity firm KKR fall under the pass-through income definition. I don't know if people realized it, just the other day KKR, that small business, purchased Del Monte Foods for $4 billion. Now those are all good businesses. But they're not small businesses, and they would benefit from the proposal that we and the President have made to provide 100 percent depreciation for their investments this year. That will help jobs and the economy.

Mr. Speaker, I urge support.

Mr. CAMP. At this time, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, why are we playing these political games? We have 15 million people out of work, we have families, small businesses, seniors and job creators facing

a nearly $4 trillion tax bomb that will go off on January 1, and here we are playing political games.

This bill is dead on arrival in the Senate. Everyone knows it. We are wasting time today. And worse than that, it undercuts the President's own sincere efforts to work with DAVE CAMP, the ranking member of the Ways and Means Committee, Senate Republicans and Senate and House Democrats to actually come up with a real solution to solve this problem. Instead, this body is rushing forward with more political theater. And my question is, wasn't September the time to play political games? Right now with the clock ticking, shouldn't we be all about solutions?

Let's talk about two myths. Democrats say, let's pass this, it will help jump-start the economy. It will do just the opposite. One, the people they hit, these consumers, hold one of every $3 in consumption today. So Democrats say, instead of going into that Main Street shop this Christmas season spending money, send your dollars to Washington, that will help the economy.

Secondly, it damages the small businesses that are the backbone of job creation. You will hear this claim that it only hits 3 percent of small businesses. You know how they figured that? They counted the tax ID numbers so people who have small businesses that have been vacant for years are still counted. But if you count the actual income from small businesses, that's what gets taxed, half of all small business income, half of all the income that creates jobs in America will be hammered by the Democrats' tax bill.

And don't take my word for it. The Joint Committee on Taxation, the Congressional Budget Office, and the President's own head of the Council of Economic Advisers say passing all tax relief for all people in America will boost the U.S. economy more than this bill.

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

Mr. CAMP. I yield the gentleman 30 additional seconds.

Mr. BRADY of Texas. Final point: These dollars won't be used for deficit reduction. Democrats and the President have signed seven bills, $625 billion of tax increases, in the last 2 years. Guess how much went to deficit reduction? Not a dime. It all went to expand the government and double that to a bigger government.

Let's stop playing games. Let's get real solutions. Let's have an up-or-down vote that extends tax relief for all Americans, that helps move us into the next 2 years, and let's stop that ticking tax bomb.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), a member of our committee.

□ 1330

Mr. NEAL. Mr. Speaker, I want to disagree sharply with the point that our colleague, Mr. BRADY, just made; America needs to have this conversation. We need to have a conversation as to how we got ourselves into the mess that we find ourselves in today, and part of that conversation is the discussion and debate over whether to extend tax cuts for the wealthiest among us. That is the difference of opinion that we are debating right now.

Now, our friends on the other side are going to tell us that this has a big impact on small business, despite what the IRS says. And I have even offered a proposal that would address the 3 percent issue, moving down the road. But let's listen to one small business owner, Beri Fox, the president of Marble King, the last remaining American manufacturer of marbles. She thinks we have lost our marbles. When asked whether the way to economic recovery was tax cuts for the wealthy, Ms. Fox simply replied, ''Absolutely not.''

America has paid the price for theology, the theology that tax cuts pay for themselves. They inherited a near perfect economy 10 years ago: record job growth; deficits eliminated; the debt being paid down, and Alan Greenspan warned us we were paying down the debt too quickly. This argument today is about fairness—fairness and what type of tax system we want to create.

The nonpartisan Tax Policy Center analyzed the Bush proposal at different income levels. They found that next year, for someone earning more than $1 million, he or she can look forward to an average tax cut of $128,832 if we extend these tax cuts for the wealthy. They found next year someone making $7 million can look forward to a $400,000 tax cut if we leave the Bush proposals in place.

This is a question of how we treat the working families of America. This is a question of not cementing into law a tax system with skewed benefits. I urge support for this middle class tax cut.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will control the time.

There was no objection.

Mr. BRADY of Texas. I yield 2½ minutes to the distinguished gentleman from Kentucky (Mr. DAVIS), a member of the Ways and Means Committee.

Mr. DAVIS of Kentucky. Mr. Speaker, what would the job creators do? During this time of great economic uncertainty, this is the number one question that we must ask ourselves when bills are brought to the House floor. There is always lots of talk about fairness. Well, their idea of fairness towards job creators means a lot of people will not have jobs.

I would like to remind my colleagues that under the current tax policy, before the subprime mortgage meltdown that resulted largely with not dealing with Fannie Mae and Freddie Mac, we had 54 months of consecutive economic growth. What would the job creators do if this were enacted? I wonder if perhaps my colleagues shouldn't get a bracelet with the initials WWJCD, ''What would the job creators do?'' before plunging off the cliff with some of these policies.

It is not a question that we have to ponder about for long. The answer is simple for anyone who has owned a business and is faced with increasing costs imposed upon them by an intrusive Federal Government.

As a former small business owner, let me walk you through the tough decisions this bill would force on millions of job creators with ObamaCare and all of the other burdens on top of this current tax increase. They would have to cut back or eliminate on benefits. They would be switching employees to part-time; at the end of the year, raises and bonuses would be replaced, in all likelihood, by pay cuts; layoffs or moving more companies to places that have friendlier tax and regulatory burdens.

These are serious and real decisions that will face our job creators on January 1 as a direct result of this bill raising taxes on millions of job creators. If there was one resounding message in the election, it was that the American people were putting a restraining order on the increasing burdens this Congress and this administration have placed on the American people. At a time when our economy is trying to recover, why would we raise taxes on anyone? Why would even partially want to impede our Nation's path to economic recovery?

Under the current tax policy, we had growth. If we move into this direction, we will see a repeat of the failures of the Roosevelt administration in 1937 causing a gross double-dip in our economy, and it will hurt every American.

This past Tuesday, President Obama hosted a summit at the White House where appointed Members of Congress were asked to work in a bipartisan fashion to devise a solution to the pending tax hikes. And what does the majority do here? Simply try to once again force something down our throats without real discourse. House Democrats chose to ignore the call for bipartisanship, just as they have ignored the will of the American people on issue after issue after issue and are forcing a vote that will produce significant job-killing results for small business owners faced with the uncertainty over looming tax hikes.

Uncertainty over an ominous $3.8 trillion tax increase is one of the most severe plagues we could put on economic recovery. As a result, private sector money that would be invested will continue to sit on the sidelines.

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

Mr. BRADY of Texas. I yield an additional 30 seconds to the gentleman from Kentucky.

Mr. DAVIS of Kentucky. Mr. Speaker, small businesses are playing defense against an overreaching Federal Government. It is impeding the economic recovery and not fostering the predictability needed to create jobs. This vote

today comes down to job creation versus worsening our troubles. Before you cast your vote today on H.R. 4853, ask yourself, all of my colleagues, WWJCD: What would the job creators do?

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BECERRA), a member of our committee.

Mr. BECERRA. Mr. Speaker, working Americans believe that the Tax Code favors the rich and the influential. And guess what? They're right. Last year, the average millionaire in America got about $100,000 back from the Bush tax cuts, while the average middle class family in this country received one-half of 1 percent of that. Not half of that, one-half of 1 percent of that. It is time that this country began to tax fairly and invest wisely.

Republicans are holding these tax cuts for the middle class hostage, demanding an extra tax cut of $700 billion worth of bailout for millionaires and billionaires, all of which Republicans would not pay for, which means that once again we would have to go to China and a lot of other countries to borrow since right now the country is running a deficit. These are the same tax cuts that my colleagues on the other side of the aisle say will create jobs, and we need to rev up the economy for that reason and keep these wealthy tax cuts.

Well, guess what? These are the same tax cuts we have had in place for the last 10 years. And what have these tax cuts of $100,000 a year given to wealthy folks? What have they given us? Fifteen million Americans are unemployed. The worst recession—it's not a depression—that we have faced since the 1930s.

So we have seen what the results are of these tax cuts for the wealthy for the last 10 years, and now they say we need to do it again to improve the economy.

It is time that this country acted sanely. It is time we focused our attention on the middle class. Give folks who have worked very hard, those who every week, every month come home with a paycheck. They see the FICA deduction. They know they have paid some taxes. We need to make sure we are telling them we are doing everything to invest in them so that, guess what, maybe one of these days when we turn over that product we buy at the store and look at where it was made, it will once again say ''Made in America'' because an American got a job.

These tax cuts that are geared toward the wealthy would not do that. And that 3 percent of small businesses that might be impacted—because 97 percent of small businesses in America would get the tax cut, those 3 percent are populated by very wealthy folks.

Vote for this legislation. Vote for middle America.

Mr. BRADY of Texas. I yield myself 15 seconds to point out the Chamber of Commerce says 2,600 businesses, small businesses, and business associations have signed a letter pushing and making the case for extending all tax relief for all small businesses and all taxpayers, including a number from California, the Orange County Business Council, the North Hollywood Chamber of Commerce, and a number of other small businesses.

I yield 3 minutes to the distinguished gentleman from Texas (Mr. HENSARLING) who has fought against higher taxes and for more small business job creation.

Mr. HENSARLING. I thank the gentleman for yielding me this time.

Mr. Speaker, the bipartisan negotiations are fleeting and ephemeral around here. The White House photographers hadn't even left, the ink wasn't even dry on appointing the negotiators, and all of a sudden House Democrats bring to the floor their tax increase bill on small businesses and American families.

You know what? I have heard the rhetoric of my friends on the other side of the aisle, and as I have studied this bill, I am still trying to find: Where is the tax cut they are talking about? I don't see any tax cut. All I see are tax increases.

Half of small business income is going to be taxed under their bill. Fifteen million of our fellow citizens are unemployed. How many more have to become unemployed? How much more human misery? How much more rejection at the ballot box before my friends on the other side of the aisle come to their senses?

They have tried to spend their way into economic prosperity; it has failed. They have tried to borrow their way into national economic prosperity; it has failed. They have tried to bailout their way into national economic prosperity; it has failed.

□ 1340

Here today, again, another opportunity to tax our way into economic prosperity. It does not work. The American people have rejected this tired, old class warfare rhetoric. You cannot help the job seeker by punishing the job creator. The American people know this, and their voices were heard on election day.

You know, what I find interesting is how many Democrats have come to the floor to quote the economist Dr. Mark Zandi. He is probably the most quoted economist by the Democrats. Yet he, himself, has rejected the idea of raising taxes in this economy. Now that he is out of the administration, Dr. Peter Orszag, one of the architects of Obamanomics, has written in an editorial that we should not be raising taxes.

I mean, this is a group that can't even get Keynesian economics right. Keynesian economics says you do not raise taxes in a time of recession. Look at the period of almost perpetual near-10 percent unemployment that we have had.

Again, how many more people have to suffer? How many more jobs have to be lost?

It is simple, Mr. Speaker. No tax increases on nobody. It may be poor grammar, but it is great economics, and it will relieve the human misery in this American economy. We should reject this bill and reject this cynical ploy.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

I suggest the gentleman reread the bill: $1.5 trillion in tax cuts over 10 years; 97 percent of small businesses receive a tax cut.

Those are the facts, period.

I now yield 1½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

Mr. MCDERMOTT. Mr. Speaker, Benjamin Franklin once said: ''Nothing in this world is certain but death and taxes.'' Ha, Mr. Franklin had never met the modern Republican Party.

The only thing certain about taxes these days is that the Republicans are going to use them to take from the poor and give to the rich again and again and again; and now the Senate Republicans have brought all legislation to a halt—a halt—in this building until the super-rich get their tax cuts.

They are determined to take care of the rich. This political maneuvering by the Republicans brings uncertainty to the middle class at a time when they really need certainty so that they know what they are going to have in the next year.

Food banks are panicking all over this country because the Republicans in the Senate say the tax cuts for the rich go before any money for those unemployed people who are looking for their unemployment insurance. The food banks know what is going to happen: hungry people are going to be coming in, but it doesn't make any difference to the Republicans.

In fact, it's time to hang your Christmas stocking. Can you imagine the rich in this country hanging their Christmas stockings and putting in the gold of the tax cuts? Can you imagine the unemployed hanging their Christmas stockings?

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

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. MCDERMOTT. To pay for food or to pay the mortgage, they're going to look in their Christmas stockings and see what? Coal.

We know how this movie is going to turn out. This bill will pass over to the Senate. It will come back with the big tax cuts for the rich. Some of us are going to vote ''no.'' We will vote ''yes'' today, but ''no'' when it comes back because it isn't fair to the unemployed people of this country that the rich get their money for sure when we dole it out to the unemployed one bite at a time.

Mr. BRADY of Texas. At this time, I yield 3 minutes to the gentleman who is a leader in cutting taxes and in restraining the level of government spending, the leader of the House Republicans, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Speaker, on Tuesday, Republicans had a productive meeting at the White House that we hoped promised a fresh start after a historic election. There was recognition on both sides that it was time to put aside the political gamesmanship and the partisan rhetoric and begin working for the public to produce results.

Clearly, Mr. Speaker, that message has not been sent to some in the majority today. Today, we have a bill on the floor that would raise taxes on many small business people and working families.

We know the facts. Although some could say otherwise, 50 percent of the people who are impacted by this tax hike get at least 25 percent of their income from pass-through entities. These are the small businesses that we are relying on to create jobs in this economy. But sadly, it appears that the outgoing majority is more interested in staging meaningless votes that amount to political chicanery than it is in pursuing policies that get the economy back on track and Americans back to work.

Simply put, Mr. Speaker, this bill is a job killer that runs completely contrary to the discussions that we had with President Obama at the White House a few days ago. A bipartisan majority in the House supports a clean bill to ensure that no American faces a tax increase in this difficult economic environment.

Mr. Speaker, we call on Speaker PELOSI to stop the gimmicks and allow all Members of the House—Republicans and Democrats—to vote on legislation that would prevent tax increases for all.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to a member of the committee, a hardworking member, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I have heard in the last few moments about trickle-down economics—you know, here we go again—and I heard the quote of what works and what doesn't work.

Let me tell you what doesn't work. If you look back just a few years ago, in 2000, we had a 4.2 percent unemployment rate. By the end of 2008, we had doubled it. Not one word about that. Those 8 years have disappeared from your memory. By the beginning of 2009, the concentration of wealth amongst the top 1 percent was only matched by the period immediately before the Great Depression. So let's get it straight.

In this piece of legislation, everyone gets a tax cut, even Sammy Sosa—I don't know if he's playing anymore—and even Derrick Jeter. They all get a tax cut up to $200,000. Of course, if they're couples, it's $250,000. Even billionaires will get a tax cut up to $250,000. You have never communicated it because you have never told the total truth.

This legislation is very specific about how we are going to help the middle class. I believe a 5-year extension would be better. I don't believe we should extend any tax cut indefinitely, but I am going to vote for this bill because I refuse to allow the middle class to be the victims of partisan gridlock.

America's middle class is the one for which I have come to the floor multiple times over the last 6 months to declare the necessity of taking a vote on these taxes. I went to my own district. There are 334,000 households in the district, and less than 1 percent—1,092—are making $1 million or more.

Their argument is dead in the water with heavy sand that buries it deeper and deeper because they don't want to talk about the middle class.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan (Mr. CAMP) will control the remaining time on the minority side.

There was no objection.

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

Mr. Speaker, I would just say and comment on my friend's remarks that this is not about giving anybody a tax cut. This is about preventing a tax increase in a time of great unemployment that has gone on, as I said in my remarks, for more than 15 months at 9½ percent.

I now yield 3 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

□ 1350

Mr. ROSKAM. I thank the gentleman for yielding.

A couple of months ago I'm walking through a manufacturing facility in the western suburbs of Chicago with the entrepreneur that started it. This is a guy who about 45 years ago is living on the northwest side of Chicago with his wife. He's a tinkerer, the type of person that goes in the garage and comes up with some idea, kind of a blue-collar guy, a tool and die guy. He comes up with an idea. Over a period of time he borrows a couple of thousand bucks from his mother-in-law and he builds up a little business.

This is a very typical story. This isn't unique to Chicago or Detroit or New York. This happens all the time. He then builds that business up, and I'm sitting down with him and his son who's now running it. The old man is now 70 years old. I'm walking the plant floor with him and I ask him: How's business? And he tells me about the travails since September of '08, which we're all familiar with, but it's now a lean operation.

He further says, ''Congressman, the smart move for me is to put three-quarters of a million bucks into this production line.'' And he points to a production line on the floor.

I ask him, ''Are you going to do the smart thing?''

And he says, ''No, I'm not.''

And of course I ask him why not.

He says, ''Because Washington, D.C. tells me I'm rich. See, I'm a sub S and I file as an individual and Washington D.C. tells me I'm rich. So that means I've got to hold on to capital because I don't know what's going on. I think my taxes might be going up at the first of the year.'' And then further he mentioned health care, he mentioned cap and trade, he mentioned ambiguity in the capital market.

But for the life of me I don't understand why we as a body have not figured out that we need people like him—my constituent, the entrepreneur—to go out and hire folks. And he's not going to do it if his taxes are going to go up.

And this is not a uniquely Republican revelation, Mr. Speaker. Peter Orszag recently said that now is no time to raise taxes on anybody. Dr. Christina Roemer also argued, now is not the time to raise taxes on anybody. And for a majority with all due respect, Mr. Speaker, that has had the calendar now well in place and been able to control this process for years and now we find ourselves 30 days out from the largest tax increase in American history and we're having this junior varsity argument about whether we should nickel and dime the very people that we're trying to create an incentive for, I just think that we can do better. I think the American public, Mr. Speaker, has an expectation that we're going to do better. I think frankly the White House has an expectation that we can do better. So I urge us to defeat this today and to really get about this very serious idea of how it is that we create not just certainty and predictability but an environment where the entrepreneurs that I described and I represent—and we all represent—say to themselves, yes, I want to invest and I want to hire more.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to direct their comments to the Chair.

Mr. LEVIN. I yield myself 10 seconds.

Ninety-seven percent of small businesses will not pay any more taxes. They'll get a tax cut.

I now yield 1½ minutes to the gentleman from New York (Mr. CROWLEY), a distinguished member of the Ways and Means Committee.

Mr. CROWLEY. I thank the gentleman for yielding the time.

Republicans are united in blocking all America's business until they get their tax cut for the wealthiest 1 percent of Americans. That's trouble for America. The Republican plan will not keep our troops at war safe. The Republican plan will not extend benefits to people who have lost their jobs because their company relocated overseas. The Republican plan will not pay

down the Federal debt. And the Republican plan will not create one new job.

Aren't these the very same priorities Americans want us to be focusing on? Yes. But that is not who the Republican plan will benefit.

This Democratic bill will cut taxes for every American who earns up to $250,000. This bill will eliminate the marriage penalty permanently, for the first time in Congress' history. This bill will cut the cost of college for young people in America. This bill will cut taxes for small businesses.

Instead, the Republican plan will increase taxes on every American family who makes less than $250,000 a year because unless we do it their way, there will be no bill.

So exactly who will the Republicans try to help in this legislation? This little dog—Trouble, that's who. Trouble is Leona Helmsley's dog who inherited $12 million. Under the Republican plan, if Trouble doesn't get a tax break, nobody else should. And that's very troubling.

Under the Republican plan, America will go to the dogs.

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

Mr. LEVIN. I yield the gentleman an additional half minute. You must go on.

Mr. CROWLEY. Under the Republican plan, America will go to the dogs.

This dog received $12 million. How many Americans who work in New York or Michigan or California or Florida or Georgia earn $12 million in a lifetime? They'll protect this little dog, but they won't protect the middle class of this country, and that, I think, is wrong.

Mr. CAMP. I yield 1½ minutes to a distinguished member of the Ways and Means committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Thank you very much.

Mr. Speaker, we are now in some of the worst economic times since the Great Depression. We have 9½ percent unemployment nationally. I have areas in my district that have double that amount. This is certainly the wrong time to be raising taxes. We need to stop this tax increase for all Americans—for the hardworking families who are struggling to make ends meet, and also for the small businesses that we are relying upon to create jobs and grow our economy. The bill before us today would result in a massive tax increase on small business owners, entrepreneurs, and job creators at the very time our country most desperately needs them to succeed and to hire more employees.

Mr. Speaker, this is no time for half measures. I urge the House to reject this flawed bill, and instead pass legislation to ensure that no American sees a tax increase on January 1.

Mr. LEVIN. Mr. Speaker, I yield myself 10 seconds.

Once again, 97 percent of small businesses will get tax cuts, not tax increases. Those are the facts. Period.

I now yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of H.R. 4853, the Middle Class Tax Relief Act of 2010. During these times of economic difficulty, middle class and working families need all of the help that they can get. Extension of the alternative minimum tax for 2 years and extending the 2001–2003 tax cuts for marginal individual income will protect more than 25 million families from the alternative minimum tax.

This legislation will make permanent the temporarily reduced taxes on capital gains and dividend income for taxpayers with adjusted gross incomes of $200,000 for single filers and $250,000 for married couples. The bill will maintain the current 15 percent rate for middle class taxpayers. Paying for higher education is becoming increasingly difficult. This bill makes permanent certain modifications to the suite of education tax incentives included in the Economic Growth and Tax Relief Reconciliation Act. Student loans are in serious need of retention. This bill will provide the opportunity for individuals to deduct. There has been never a time greater when the middle class needed a tax break. That time is now. Let's do it today.

Mr. CAMP. Mr. Speaker, I yield 2½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Nevada (Mr. HELLER).

Mr. HELLER. I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to H.R. 4853. Of course I strongly support tax relief for the middle class and others, but today's bill is misguided. Nevada is struggling. It has one of the highest unemployment rates in the Nation; more than 14 percent. Some counties in my congressional district are as high as 16, 17 percent unemployment. Real unemployment is probably closer north of 20 percent. At home in Nevada I constantly talk to families, small business owners and workers struggling to make ends meet. That's why I have supported extending unemployment insurance. But Nevadans, like most Americans, want jobs.

□ 1400

So today, ''Washington knows what's best, class warfare, pick-and-choose method of so-called tax relief'' is a dangerous way to go.

The outgoing majority party does not understand that tax hikes do not create jobs. The outgoing majority party doesn't understand that bigger government doesn't create jobs. The outgoing majority party still doesn't understand that more regulation doesn't create jobs. And doubling down on failed stimulus spending—which this bill does also—is, too, the wrong way to go.

It bears repeating simply because the current outgoing majority so often fails to listen: The income levels in the bill today exclude many small businesses, and it's those small business owners who are the job creators in the economy. Three-quarters of all new jobs are created by small businesses, which employ half of all private-sector employees. These are the entrepreneurs, the patent filers, the exporters, the startups and the innovators. They, not Washington politicians, are the ones who will lead our Nation out of its economic struggles, yet today we are asked to support a tax increase on them.

I have a letter here signed by a number of national and local organizations who strongly support extending the current tax relief. In the letter they say, ''strongly urge Congress to end the tax uncertainty plaguing the business community by extending the expiring 2001/2003 tax rates.

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

Mr. CAMP. I yield the gentleman from Nevada an additional 30 seconds.

Mr. HELLER. Nowhere in this letter—signed by 28 pages of organizations and businesses nationwide—do they waffle or endorse these income limitations. Several chambers of commerce and local businesses from around the State of Nevada who understand the importance of certainty in our tax policy have signed onto this letter. Businesses like Silver State Barricade and Sign, Starsound Audio, Hartmann and Associates, and Air Systems, Inc. are all in this letter. Today's exercise in political theater is simply bad policy.

Mr. LEVIN. Mr. Speaker, it is now my real pleasure to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. I thank the gentleman for yielding.

You know, this is kind of a comical debate in a way. We hear time after time after time, why would we want to pass job-killing tax hikes? Well, I would ask my colleagues from the other side of the aisle why did they write them into the law? Because these are Republican tax hikes that we are dealing with, trying to decide what makes sense from a fiscal standpoint and from a fairness standpoint.

I love the fact that people talk about job-killing tax hikes as if every small business is going to make a decision based on what their personal tax rate is. I come from a family of small business people. My father was a small businessperson who built a very large company. I have two brothers who are small businessmen. I have a sister who is a small businessperson. I ran a small business. Not one of us ever made a decision about what we would do in our business based on whether a few more percentage points would come out of our net income, particularly when we're dealing with people who are mostly making millions of dollars a year.

I have one brother who is in the barbecue restaurant business. I talked to him about what impact taxes have on his decisions in business. He said, you

know, if nobody can afford barbecue, it doesn't matter what my tax rate is. That's where we are as a country. We have a major portion of our population whose standard of living has stagnated over the last 10 or 20 years, and we have a very small percentage who have done very, very well thanks in part to the tax breaks that they were given back in 2001 and 2003.

We can afford to give everybody tax cuts if we want to raise the national debt another $700 billion. No, I think we have to draw a line somewhere. We have to say the people who have done extremely well over the last 10 years thanks to the Bush tax cuts need to pay a little more. This won't kill jobs. We won't be crying crocodile tears for them. It's more important that we make sure that the vast majority of Americans have the income they need to drive this economy. That's where the business people, small and large, will prosper.

Mr. CAMP. I yield 1 minute to the distinguished gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. Mr. Speaker, I hear all these grand arguments today about the majority party's tax cut bill when in fact not one American taxpayer's taxes will be reduced as a result of passage of this bill.

Let's be clear on what's at stake today: A vote for this bill is a vote to raise taxes on millions of American families and small business owners. The Democrat leaders argue that we have to raise taxes to reduce the deficit, but this is absolutely false. The burden to reduce the deficit should be on Congress and not on the backs of hardworking Americans. It is our job to make the tough spending cuts and restore fiscal discipline, not to make millions of businesses and families a scapegoat for our debt.

Keep this in mind: No tax increase has ever created one job. If America's private sector is going to create the jobs that we desperately need, Congress must stop the threat of new taxes, get out of the way, and let employers have some certainty for once.

So Mr. Speaker, I urge my colleagues to respect the message of the American people from Election Day and let's reject this tax hike scheme.

Mr. LEVIN. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentlewoman from Nevada, a member of the committee, Ms. BERKLEY.

Ms. BERKLEY. I thank you, Mr. Chairman.

I rise in support of this legislation. Today's vote is an affirmation of this Congress' commitment to middle class Americans and a crucial step in getting our economy back on track.

This tax cut extension does not exclude anyone. What it does is permanently extend middle-income tax relief, which will provide much-needed certainty to our small businesses and our entrepreneurs and create conditions for long-term growth while still dealing responsibly with the Federal deficit—and let us not forget that it is a burgeoning deficit.

This legislation ensures that on January 1 every American will be paying lower taxes than under current law. It will extend relief from the alternative minimum tax for 2 years and provide permanent relief from the marriage penalty. It also permanently extends tax credits like the improved child tax credit, simplified earned income tax credit, and numerous benefits for education. For our small business owners, we are also permanently increasing the amount they can expense so they can quickly realize the benefits of their capital investments. These provisions are critical to Nevada's economic recovery. It is good for my congressional district, the city I represent of Las Vegas that is really hurting, and the people of the great State of Nevada.

We owe it to our fellow citizens to pass this bill and ensure that we are creating conditions for renewed economic growth. The certainty of this legislation creates and will bolster consumer confidence, provide businesses with tax certainty, and foster long-term investment. Nobody can argue or quibble with its benefits.

These economic conditions are essential to the health of consumer-led economies like Las Vegas. We still have a whole lot more work to do, both in terms of promoting jobs and removing uncertainties in the Tax Code.

The SPEAKER pro tempore (Mr. SERRANO). The time of the gentlewoman has expired.

Mr. LEVIN. I yield the gentlewoman an additional 30 seconds.

Ms. BERKLEY. Thank you very much.

We also have to work on our estate tax to pre-2001 levels. I look forward to that discussion with the bill I introduced with Congressman BRADY as a basis for the debate.

Let's get moving. This is the easy stuff. This we should pass without any uncertainty or concern that we're not doing the right thing for the American people.

Mr. CAMP. At this time I reserve.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman from Michigan for yielding me this time.

There is an economic theory, and then there are facts. There were a set of Democratic tax rates in which we saw 22 million new jobs created, and we saw the balancing of the budget, and hundreds of billions of dollars of national debt paid off.

□ 1410

And then there's the Republican tax rates that are called the Bush tax cuts in which we saw a net loss of 600,000 jobs, and we saw trillions of dollars added to the national debt. These are facts. You compare the 8 years of Clinton to the 8 years of Bush, you compare the two rates, and you look at the jobs and the effect on the debt and the deficit, and we know what the reality is.

So our friends on the other side say, Well, we don't want to hurt the economy. The best way not to hurt this economy is to do away with the set of policies that created the situation we're in now with 15 million people without jobs, our national debt doubled.

Now, as an economic theory, I think we should get rid of the income tax and move to a consumption tax. But theory is something you can debate and you can wonder about. Facts are facts, and we can't hide from them. And the fact here is that under the Bush rates, this country is seeing unemployment spike by millions, our debt rise by trillions.

So we come today to say that maybe the Republicans were right when they put an expiration date on this because they didn't really know what would be the result. We see the economic calamity that has resulted from doing these types of uneven tax breaks weighted to the top 2 percent.

So we come today saying for 98 percent of the people of our country, people at $250,000 and under, they should continue to have and make permanent a break on their taxes. And for the wealthiest, for their first $250,000, they should get an identical break. We should return to the Clinton rates or the Democratic rates thereafter.

Mr. CAMP. At this time, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. First of all, I wanted to associate myself with the previous speaker, my friend from Pennsylvania. I, too, support a consumption tax, a fair tax, tax simplification in whatever form. And I hope we can come together and work on tax reform and tax simplification in the year ahead.

Now today, though, we're doing a show in politics. We're voting on a bill which the Speaker knows there aren't the votes to pass. She furthermore knows that if it did pass, the Senate is not going to pass it. Today is all about political show. It's about more class warfare. It's interesting that the Speaker would choose this route because on November 2 I believe that brand of politics was squarely rejected by the voters all across America.

We also know that the economic policies of the Speaker and the President have failed. When the stimulus bill was passed, unemployment was about 7.6 percent. We were told this would keep it from going to 8 percent. But here we are now with unemployment at nearly 10 percent—15 million people out of work—and we're hearing again from the Democrats that this is what we need to do to turn the economy around.

I believe the American people spoke on that squarely. And I think the statistics show, with a 10 percent unemployment rate, it's not going to work.

About 75 percent of small businesses—and I think there's something like 27 million in the country—75 percent of them file their taxes as individuals; 750,000 of them actually would

come under this category of getting a tax increase. And these are people who are the first to turn around and hire folks when the economy improves. These are Sheetrock contractors. These are restaurant owners. These are other tradesmen who have two, three, four, five, fifteen employees, and they're going to be the first ones to turn around and hire folks. So right now, we do not want to hit them with a high tax increase.

We need to reject this and continue to work with the White House and come up with a compromise.

Mr. LEVIN. It's now my privilege to yield 1 minute to our very distinguished majority leader, Mr. HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding, and I rise in support of this legislation.

First, let me say that there were two messages that came from this election, in my opinion—maybe others as well, but certainly these two. One, we need to grow jobs. We need to have more jobs for our people. We need to grow our economy. The second was we're very concerned about the deficit.

I agree with both of those conclusions in this election, and I think we need to do both of those. To some degree, they're contradictory because, in the short term, in order to grow the economy we've got to invest in the economy and we need not take money out of the pockets of consumers.

Now, as a result of the tax bills that were adopted in 2001 and 2003, because we wanted not to have the scoring for a longer period of time and the deficit displayed exploding, they were made to sunset. That is to say, the tax cuts were put in place and then they were sunsetted. It so happens they sunset at the end of this month. That would mean, normally, if we allowed that Republican policy—which I did not vote for—to go into effect, that the taxes would increase on everybody.

What this bill does is it says no, we want to cap, and we want to make sure that no American has any tax increase on the first $250,000 of their income. No American. One hundred percent of American taxpayers would be exempt under this bill from any increase in their taxes on January 1 of this year.

One of the other messages that the American public said to us: When you can reach common ground, when you can reach agreement, why don't you guys take it? Why don't you move forward where you can agree and then spend time on that which you cannot agree upon? But at least do that on which you can reach common ground.

Now, I haven't heard all of the debate—I have been in other meetings—but my suspicion is that almost everybody, if not everybody, on the floor wants to make sure that the first $250,000 of income of any American is not subjected to a tax increase on January 1. That's my conclusion. Now, maybe somebody will come up and say, ''No, you're wrong on that,'' but if so, I stand to be corrected. But we have reached common ground, I believe, on that proposition. That's what this bill carries forward.

Now, we have disagreements.

As I said, the second message was they're very concerned about the deficit. I'm very concerned about the deficit which I think, as I was quoted in the paper yesterday or the day before as saying, it is the most critical challenge that confronts this country, that impacts on every other challenge we have in this country, including our ability to bring taxes down and create tax reform.

Now, we don't have agreement on other elements of the Republican tax program of 2001 and 2003 which will sunset pursuant to that policy on December 31. And the issue, therefore, before this House right now is whether we're going to hold hostage the first $250,000 of income of every American or we're going to say no, we have agreement, we'll resolve that, and we will then contend on the other issues. Whether we argue about the necessity to cut taxes on those over $250,000, on impacting small business, on growth of the economy, all of that is legitimate argument.

But I really do not believe we have disagreement on what this bill intends to do. It's just that some people think it doesn't do enough. I understand that.

But very frankly, my friends, in the House and in the other body, we have been holding hostage American policy to agreement on 100 percent—or in the case of the Senate, on 60 percent. The American public are frustrated by that. I'm frustrated by that. I think that's not the way a legislative body works. A legislative body works by when you can create consensus, move forward.

Now, maybe somebody will get up and say no, we should increase the first $250,000 of income and let that sunset. I doubt that anybody said that. I doubt that anybody believes it.

□ 1420

But if you don't believe it, any Member of this House, then vote for this bill. Not only does it say income, but it takes earned income tax credits, it takes capital gains, it takes child care tax credits and says that the first $250,000 of income will not be subjected to an increase. I can't believe we don't agree on that. And I am hopeful that every Member will vote for this.

Now, I frankly want to say I don't think this is the final package. We know that the Senate has disagreement. We know that the White House has its own view. But this vehicle is going to be critically important if we are going to move this issue forward. And some people on the other side say let's act and let's act now. Fine. Then let's give them a vehicle on which to act.

Revenue issues, as we know, have to initiate in the House. Now, this vehicle is a vehicle that I think will be used and can be used by the other body to effect consensus policy. But let us not hold hostage that on which we agree to that on which we do not agree.

So I would urge my colleagues, vote for this legislation. Let's move this forward. Let's give the confidence to American working people that we are united in the conviction that in this tough economy at this time they ought not to see an increase in their taxes on January 1. That's what this vote is about. And I urge my colleagues to support it.

I thank the gentleman from Michigan, the chairman of the committee, and, yes, Mr. CAMP, the ranking member, who will soon be chairman of this committee, for their efforts on this bill, notwithstanding their disagreement on its substance. And I thank the gentleman from Michigan (Mr. LEVIN) for yielding.

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

And I would just say I listened very carefully to the majority leader's well-reasoned arguments. And if, in fact, this bill were going somewhere, they would have made a great deal of sense. But we know now that the Senate will not take up this bill. Forty-two Senators have signed a letter that they will not take up any legislation unless it is dealing with the potential tax increases on all Americans.

I also have a letter that was sent to the House of Representatives dated today from the National Association of Manufacturers. And there has probably been no State hit harder than Michigan, no sector hit harder in Michigan than manufacturing. And I want to quote from this letter that says, ''Manufacturers strongly support extending the 2001 and 2003 tax relief for all taxpayers. Over 70 percent of American manufacturers file as S corporations or some other pass-through entity and will be significantly impacted by these higher rates. According to the nonpartisan Congressional Budget Office, fully extending the 2001 and 2003 tax cuts would add between 600,000 and 1.4 million jobs between now and 2011 and between 900,000 and 2.7 million jobs in 2012.''

NATIONAL ASSOCIATION OF MANUFACTURERS,
December 2, 2010.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, urges you to oppose H.R. 4853, the Middle Class Tax Relief Act of 2010.

Tax relief enacted in 2001 and 2003, which repealed the estate tax and lowered both individual tax rates and tax rates on investment income, helped spur economic growth. Now, however, absent immediate congressional action, these lower rates will expire, resulting in a top income tax rate of nearly 40 percent, a 164 percent increase in the dividend tax and the return of a 55 percent estate tax on family-held companies.

Manufacturers strongly support extending the 2001 and 2003 tax relief for all taxpayers. Over 70 percent of American manufacturers file as S-corporations or some other pass-

thru entity and will be significantly impacted by these higher rates. According to the non-partisan Congressional Budget Office, fully extending the 2001 and 2003 tax cuts would add between 600,000 and 1.4 million jobs in 2011 and between 900,000 and 2.7 million jobs in 2012.

We urge Congress to reject this legislation and move toward extending all of the current tax rates.

The NAM's Key Vote Advisory Committee has indicated that votes on H.R. 4853, including potential procedural motions, merit consideration for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS,
Executive Vice President.

Mr. HOYER. Will the gentleman yield?

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

Mr. HOYER. I thank the gentleman very much for yielding.

Let me say to my friend, if he heard what I had said—I know he was listening, and I thank him for that—he and I both know revenue bills must initiate in this House. So if the Senate is to effect what those 42 Members suggested they wanted to see, then it must have a vehicle from this House on which to act. What I suggested and what I believe is that when you say this bill is dead, I think I am not sure I agree with you, because in my view it will be this bill on which they will ultimately reach whatever compromise is available in the United States Senate.

So, in fact, I think this is an important vehicle to reach perhaps the compromise that we all know is ultimately going to be necessary, while at the same time expressing the views of I think the overwhelming numbers of us that certainly the first 250—we may not agree on further, or another level or something, but certainly would the gentleman disagree with me that we all agree on the first 250 ought not to receive an increase?

Mr. CAMP. I thank the majority leader. And reclaiming my time, I think we would have a much better chance if the vehicle that was sent over to the Senate was actually one that dealt with the potential tax increases on all Americans.

But I know my time is very short, and I just wanted to say I also have a petition, a coalition letter sent to us by over 1,300 businesses, trades, and local Chambers of Commerce urging that we extend the current tax policy for all Americans and prevent a tax increase from going into effect.

Let me just say I think much of what has happened today is a charade, and I am glad it's coming to a close. I urge my colleagues to vote against this bill.

DECEMBER 1, 2010.

TO THE MEMBERS OF THE UNITED STATES CONGRESS: We, the undersigned companies, chambers, and trade associations strongly urge Congress to end the tax uncertainty plaguing the business community by extending the expiring 2001 and 2003 marginal tax rates, as well as dividend and capital gains tax rates, and the business tax provisions that expired at the end of 2009.

A permanent extension of all current tax rates would, in one bold stroke, boost investor, business, and consumer confidence by taking the uncertainty of tax policy off the table. It would leave hard-earned income in the hands of the individuals and businesses that earned it and allow them to spur investment, boost consumption, promote economic growth, and create jobs. Further, without expeditious Congressional action to extend current marginal tax rates, millions of Americans will face greater withholding for taxes from their hard-earned paychecks in six weeks.

Another major obstacle to recovery lurks. Thousands of U.S. businesses and individual taxpayers currently face major tax increases because tax provisions—such as the R&D credit, active financing exception, and CFC look-thru rule—have expired. An extension of these vital provisions would bring more certainty in U.S. tax law, foster more effective business decisions, and encourage investment. Moreover, the Administration asked Congress to extend the tax provisions as part of the President's 2010 budget request.

While we support the extension of all these provisions, we believe that the extensions of current tax policy should not be offset with permanent tax increases. No one should have their taxes raised during a time of economic weakness—not individuals, not small businesses, not large businesses. Job creators are especially sensitive to tax rates and any tax increase right now would only hinder the already too weak recovery.

We urge Congress to act expeditiously to remove uncertainty and address these looming tax increases with a long term extension of all the expired and expiring tax provisions by year end, and look forward to working with Congress to keep the economy on the road to recovery.

Sincerely,

[1318 ORGANIZATIONS OMITTED]

I yield back the balance of my time.

GENERAL LEAVE

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

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

There was no objection.

Mr. LEVIN. Secondly, before I yield the balance of the time to the Speaker, our very distinguished Speaker, I want to take just a minute or less to make a couple of key points.

Number one, everybody would receive a tax cut under this bill. Everybody. Secondly, only 3 percent—these are the facts—of small business owners would get the additional tax for income over $250,000. Only 3 percent. And the third and last point is this. For those with income a million and over, under the Republican plan they would get a tax cut of over $100,000, while average Americans would get a fraction of that.

It's now my pleasure to yield the balance of my time to our distinguished Speaker of the House, the gentlelady from California, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman from Michigan for yielding. I commend him for his great leadership in terms of working and being a champion for America's working families, for America's middle-income families who need so much help at this time of this down economy.

Mr. Speaker, this has been a very interesting week. Yesterday in the Capitol, hundreds of people looking for work came to the Capitol of the United States. They came because they knew that the day before unemployment insurance benefits had expired for people looking for work. They knew that by the end of December, unless this Congress acts, 2 million Americans will lose their unemployment insurance, 2 million Americans. This is the first time in American history when unemployment benefits would have been allowed to expire at this rate of unemployment.

They came looking for jobs. They came in the spirit of fairness to say until we can find jobs, we need to continue unemployment insurance. And what they heard was that the Republicans in the Senate had said, if you want unemployment insurance, it has to be paid for. Well, they have paid into unemployment insurance. But we want to give tax cuts to the wealthiest people in America to the tune of $700 billion, and that doesn't have to be paid for.

Now, I think we should use as a measure for everything that we do: What does it do to create jobs? What does it do to reduce the deficit?

Unemployment insurance, the economists tell us, returns $2 for every dollar that is put out there for unemployment insurance. People need the money. They spend it immediately for necessities. It injects demand into the economy. It creates jobs to help reduce the deficit.

Giving $700 billion to the wealthiest people in America does add $700 billion to the deficit, and the record and history shows it does not create jobs. It does not create jobs. I mention this because this is the context in which we bring up this tax cut for middle-income families in America today. And while some on the other side say this is not going to make a difference, it indeed makes a difference.

□ 1430

Let me say, unequivocally, there will be no tax bill for any situation unless there is a tax cut for middle-income people in our country. That is what this vote is about today. That is our declaration. That is what we send to the table for the discussion that the President has so rightfully called for.

Now what our Republican colleagues are saying is we know they must support tax relief for the middle class, right? And this is tax relief for every income filer in our country; everyone gets a tax break. But what they are saying is unless you give an additional tax break to the wealthiest people in our country, adding to the deficit and not creating jobs, we are not going to vote for middle-income tax cuts.

As Mr. HOYER said, holding the middle-income families of America hostage

to a tax cut for the wealthiest, and who are they? Well, some of them create wealth, create jobs. We want to reward success in America, and they do get a tax cut in this bill.

Some of them are getting bonuses on Wall Street. Did you see the announcement? Almost $90 billion in bonuses on Wall Street after all that they have put us through, not all of them, but some of them, $90 billion, billion with a ''B,'' dollars in tax bonuses, and under what the Republicans want to do, they are not going to pay. They want a tax break for that, a bonus and a tax break on top of it. But, no, we can't give middle-income tax cuts unless you do that; and, no, if we do unemployment insurance, it has to be paid for but not a tax break for these billionaires with these bonuses on Wall Street.

This is so grossly unfair. It is so grossly unfair. I can't imagine that my colleagues on the Republican side don't want to give a tax cut to the middle class. Why don't they just vote for that? They can try to add whatever else they want and have that debate. But to say that this is not the right thing to do, I think, is not the right thing to say.

So we have a situation where we come out of an election: jobs, jobs, jobs, jobs. That's what those hundreds of people looking for work came to Capitol Hill looking for. They were looking for jobs. They were looking for security for their families.

One young man, 35 years old stood up and said, I am 35, I am married, I have a 4-year-old child. I have been out of work for 2 years. I am a college graduate; I am a trained professional. Don't tell me to dip into my savings. My savings are all gone.

Don't tell me to go ask help from my family. I have already done that. They have done what they can, but they are strapped as well.

Don't tell me to cut back on what we do as a family. That was something we did a long time ago.

So we have tried to live as we look for work on unemployment insurance, and you are now telling us that Congress cannot pass that unless it is paid for while it is giving, I am saying, a tax cut to the wealthiest people in America, $700 billion unpaid for, $700 billion added to the deficit. Something is very wrong with this picture.

But we come to this floor, we Democrats today, with great clarity. The tax cut for middle-income families will create jobs because people will spend that money again, inject demand into the economy, and create jobs. That is something that will help. That growth will help to reduce the deficit while the record shows, and history, recent history, acknowledges that the tax cuts at the high end did not create jobs.

Those tax cuts were in place during the Bush years and more private sector jobs have been created this year than the entire 8 years of the Bush administration. They simply did not create jobs.

If you want to create jobs, if you want to reduce the deficit, if you want to stabilize the economy, if you want to support the value of what the middle class, middle-income families mean to our country, these workers who came were veterans, they were the backbone of our country. They came from the heartland of America. They came from a place where we in this Congress and with this President saved the auto industry, saved the auto industry.

Without the measures taken by the Obama administration and this Congress, we would have unemployment that's even higher. But that's not good enough. We want unemployment that is lower. This tax cut takes us to that place. This tax cut, not what the Republicans are proposing, will help create jobs, instead of what they want to do, which is not create jobs and increase the deficit.

The choice is clear. It's not about who signed 44 signatures, that I am not going to do this unless you do that. We are very clear. There will be no tax bill unless there is a tax legislation that gives middle-income families in America the fairness they deserve, the respect that they have earned and the economic opportunity for creation of jobs, reducing the deficit, and stabilizing our economy. I think this choice is clear.

I urge our colleagues, and I hope we could have some bipartisan support for middle-income families in America, to vote ''aye'' on this important legislation.

I again salute Mr. LEVIN for his leadership.

Mr. HOLT. Mr. Speaker, I rise in support of the Middle Class Tax Relief Act of 2010 to ensure that working and middle class families receive tax relief as we emerge from the worst recession in three-quarters of a century.

Some history about this issue is needed as some on the other side of this debate seem to have a short memory. In 2001 and 2003, President Bush and the Republican-controlled Congress enacted sweeping tax cuts that largely benefited the wealthiest in America without corresponding cuts in federal spending. I opposed these tax cuts. These tax rates were passed on the erroneous argument that they would stimulate the economy and that they would generate more revenue than they cost. The evidence is clear that cutting tax rates resulted in a net loss of revenue to the government, and there is scant evidence that they provided much economic stimulus.

I support extending tax policies that help working families in New Jersey and across the nation. Two years ago, I was proud to support President Obama's Making Work Pay tax cuts, which cut taxes by $400 for individuals making $75,000 or less and $800 for households making less than $150,000. As we debate whether or not to continue Bush-era tax rates that shift the tax burden from wealthier Americans to the middle class, I should remind my colleagues that extending the Obama tax cut for working Americans would cost less and stimulate the economy more.

With the current income tax rates expiring at the end of this month, I am pleased to support the Middle Class Tax Relief Act of 2010. This measure would extend permanently current tax rates for all Americans on taxable income under $200,000 for individuals and $250,000 for joint-filers. For households that earn more, the marginal tax rate on that additional income would return to its level during the 1990s.

According to the nonpartisan Tax Policy Center, maintaining the Bush-era tax cuts for income over $200,000 for individuals and $250,000 for joint-filers would provide the top one percent of wage earners with an average tax break of $53,674. Furthermore, according to the Congressional Budget Office, extending the Bush-era tax cuts for the top wage earners would add nearly $700 billion to the national debt over the next ten years.

While much of the debate has focused on marginal income tax rates, this measure extends other forms of tax relief that are of critical importance to my constituents in central New Jersey.

This legislation contains a two-year patch for the Alternative Minimum Tax. Because this tax, which was intended for a few hundred of the wealthiest Americans, has never been adjusted to account for inflation it threatens middle-class families. The 12th congressional district of New Jersey in particular is hard hit by the AMT. This bill would prevent an additional 88,000 of my constituents from being subject to this unfair part of the tax code.

The bill before us today would make permanent the maximum Child Tax Credit of $1,000 while expanding eligibility for the credit and making it refundable. This bill would provide permanent relief for the so called marriage penalty that unfairly penalizes couples who jointly file their taxes. The legislation also would continue Earned Income Tax Credit rules that simplify and expand its eligibility requirements.

Additionally, today's bill would extend a host of family friendly tax breaks that allow taxpayers to deduct student loan interest, save for their children's college education, and defray the costs of adoption.

With the country facing growing long-term deficits and with the expiration of current tax rates looming, my constituents and all Americans are demanding that policymakers act quickly and prudently. The tax policies in the bill before us today are the ones my constituents and the American people support. These cuts balance the needs of working families with the nation's need to get its fiscal house in order. I am pleased to support this bill today, and I urge my colleagues to join me today in voting for the Middle Class Tax Relief Act.

Mr. BLUMENAUER. Mr. Speaker, it is unfortunate that the major decision we face on taxation this Congress boils down to this vote.

This situation represents a failure of imagination, a failure of political will, and, sadly, a failure to invest in our future.

It represents the inability of Congress to seize an opportunity for real reform.

If the message of the election was that we should not add to our nation's debt, then we should not extend tax cuts that will add trillions of dollars to that debt.

If voters this election were concerned about jobs, then we can have a much greater effect on employment by using a small portion of the money in question to fund a substantial transportation bill and addressing our nation's infrastructure deficit.

If the election was about tax fairness, then we can do more for fairness by permanently

eliminating the Alternative Minimum Tax, which no billionaire pays but which now threatens 29 million middle-income families. While we are at it, we could permanently fix the physician payment issue.

These are perennial challenges. Addressing them now will require far less debt, save money in the long run, and will avoid needless heartburn for millions of people right now.

Instead, the political process is failing the American people as we face a choice between a sub-optimal bill and a bad bill.

We can and should do better.

Mr. PAUL. Mr. Speaker, today I voted for H.R. 4853, legislation which ensures file continuation of many of the Bush tax cuts. If no action had been taken by this Congress, all Americans would have had to pay higher income, dividend, and capital gains taxes beginning on January 1, 2011. While I would have preferred that the current lower tax rates remain in place for all Americans, the fact is that a tax cut for most people is better than a tax increase on everyone. I will always vote to lower taxes at all levels, and I will never vote for tax increases. The passage of this bill will result in the overwhelming majority of Americans paying lower taxes next year than they otherwise would have.

It is unfortunate that this bill was so highly politicized and that so much debate focused on whether or not those making over $250,000 per year would receive tax cuts. Arguments that tax cuts for the rich are unfair, or that those making more money should pay higher taxes, are based largely on envy. Whether one group or another thinks it is ''fair'' or not does not change the fact that the money should stay with the person who earned it. This is true for people at all levels of income.

But rather than getting bogged down in the minutiae of what the ideal tax rate should be, I believe we should abolish the income tax and eliminate the IRS altogether. Congress funded the government using excise taxes for more than 120 years without an income tax, and the federal government not surprisingly adhered much more closely to the constitutionally-defined limits of its powers during that time. Real tax reform can only happen when we insist on reducing the size of the federal government and reducing the pork in its bloated budget.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 4853, the Middle Class Tax Relief Act of 2010. The middle class in America is struggling to make ends meet as they face a weak economy and bleak job market. Unless Congress acts sometime during the next month, Americans will see their income tax rates return to Clinton-era levels next year. Today's legislation would ensure that 98 percent of Americans will not see a tax increase next year.

President Obama and Democrats have advocated to extend tax cuts on income below $250,000 (which will benefit Americans of all income levels) while allowing the tax cuts on income above $250,000 to expire. Specifically, the Middle Class Tax Relief Act will permanently extend relief for the 10 percent, 25 percent and 28 percent rate brackets. Ninety-eight percent of Americans will benefit from this proposal while allowing the richest 2 percent, the millionaires and billionaires, to pay their fair share in taxes.

The Middle Class Tax Relief Act of 2010 also provides working families with permanent extensions of popular tax cuts. The bill will extend the $1,000 child tax which is set to expire on December 31st. It will also help families by providing permanent extension of the adoption tax credit, the employee tax credit for employee child care, and the increased dependent care tax credit. Lastly, the Act will permanently extend the capital gains and dividend tax at a 15 percent rate for middle-class taxpayers.

Furthermore, the Middle Class Tax Relief Act of 2010 will provide Alternative Minimum Tax, AMT, relief for the middle class. The Congress created the AMT in 1969 to ensure that the wealthy did not abuse loopholes in the tax code and thus avoid paying any taxes at all. However, because the AMT was not adjusted for inflation, it now will affect a large percentage of the middle class. Today's bill will provide a two year extension of AMT relief for joint filers who make up to $72,450 and for individuals who make up to $47,450 in 2010 and 2011.

Today's debate is larger than the future of tax policy. This moment offers this body a critical opportunity to draw a line in the sand and make a definitive and powerful statement about their commitment to working class and middle class families. It is an opportunity to show average Americans who are fed up with their government that we hear them, believe in them, and will fight for them. It is an opportunity to show that government has the ability to improve people's lives in a tangible way and that the rich and well connected don't always win. It is time for Congress to stand up for the middle class and extend tax relief. I encourage my colleagues to support this bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4853, the ''Middle Class Tax Relief Act of 2010.'' Put very simply, our vote on this bill today is a statement of values. Do we stand with middle-class American families, whose lives and livelihoods have been devastated by the recession, or do we stand with the wealthy scions of finance and industry who drove this country off an economic precipice of gargantuan proportions? There can be no justification for holding tax relief for middle-class families hostage by supporting those who did nearly irreparable harm to our great Nation, and those members of the House who vote against this bill should forever be ashamed of putting the interests of Wall Street fat-cats before those of the vast majority of American families.

My Republican colleagues seem to be blind to this reality and will no doubt work this very day to make a public statement of their unflinching support for the wealthy at the cost of providing tax relief to the middle-class Americans who need it most. This, sadly, should come as no surprise, given Republican opposition to extending unemployment insurance. As if denying 800,000 Americans—and over 180,000 people in my home state of Michigan—extended unemployment benefits at the time they need it most is not enough, Republicans now seek to bar tax relief to middle-class Americans in a cynically transparent attempt to allow the wealthy to continue lining their pockets.

In closing, I would remind my friend, the erstwhile Minority Leader, that he stated some months ago on ''Meet the Press'' that he would support a middle-class tax cuts-only bill if it were his only choice. Well, Mr. Speaker, the Minority Leader now has the opportunity to make good on that statement. If he does, his conscience will thank him.

Mr. CAMP. Mr. Speaker, I appreciate the opportunity to discuss this important bill, which includes a wide mix of policies recently sent to us by the Senate.

Portions of this bill make sense, including extending welfare programs and reducing erroneous unemployment insurance (UI) overpayments. Enacting policies to better prevent and recover unemployment benefit overpayments is good government, and save about $3 billion over 10 years. However, instead of using this money to strengthen UI programs or even paying for an extension of unemployment benefits, the majority instead uses this funding to offset unrelated spending.

Similarly, I am disappointed that the bill uses $2 billion of the funds in the Customs user fee account (about half of available funds) to offset some of the spending provisions in the bill. As a result, such funding would no longer be available for key job-creating trade initiatives, such as the pending free trade agreements or extending existing preference programs. I strongly believe that this offset should be reserved for trade priorities and should not be raided for non-trade provisions.

And that's really at the heart of the debate: instead of using the savings in this bill to reduce our Nation's staggering deficit or pay for extending UI benefits or promoting job-creating trade, the authors of this bill would use those savings for new, unrelated spending. This spending does nothing to help the unemployed, promote job creation, and only makes balancing the budget next year even harder.

The bottom line is that, while this legislation includes some good provisions, it also includes new spending we simply can't afford. To divert savings from UI and trade programs, especially while too many Americans are unemployed and more trade-related jobs are needed, is not the right answer.

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

Mr. BISHOP of Georgia. Mr. Speaker, I agree that the extension of middle class tax cuts is vital to the economic health of our nation, and I proudly support providing this much needed relief. Over 75 percent of American workers are living paycheck-to-paycheck, and they simply cannot afford the burden of new taxes. Furthermore, many of our nation's seniors are on fixed incomes consisting of Social Security payments, supplemented by dividend and capital gains income. This measure will help ensure that seniors can make ends meet in this challenging economic environment.

Unfortunately, this measure does not go far enough. Given the current state of our fragile economic recovery, now is not the time to raise taxes on any American. Businesses large and small are still having difficulty creating new jobs, training their workers, and growing for the future. I remain deeply concerned that raising taxes on those businesses would further impede job creation and punish success at a time when we should be encouraging the entrepreneurial spirit.

Furthermore, I am troubled that this measure does not address estate tax relief. The most oppressive estate tax we have seen in a decade is scheduled to go into effect at the beginning of the New Year. Our farmers and small business owners face dire consequences from inaction on this issue.

Higher estate tax rates would have an especially severe impact on farmers and small business owners in Georgia's Second Congressional District. According to a June 2009 report by the U.S. Department of Agriculture, if Congress does not take action on estate tax relief before the end of this year, the resulting higher estate tax could affect 10 percent of American farms, 98 percent of which are family-owned and operated. Many Georgians could lose farms that have been passed down from generation to generation, or be forced to sell much-needed land, buildings, and equipment. In addition, small business owners could lose the companies they worked so hard to build and hoped to hand down to their children.

We cannot ignore these issues, and it is my hope that a bipartisan agreement can be reached before the New Year. We must extend the 2001 and 2003 tax cuts, at least temporarily, for all Americans, as well as provide substantial estate tax relief for the benefit of our family-owned farms and businesses.

Now is not the time for political games and maneuvering. The nation needs us to come together and address this issue in a bipartisan manner. We truly cannot afford to wait any longer.

Mr. LEVIN. Mr. Speaker, the nonpartisan Joint Committee on Taxation has prepared a technical explanation of the House amendment to the Senate amendment to H.R. 4853. This document expresses the Committee's understanding and intent of the provisions included in this legislation. This document can be found on the Joint Committee on Taxation website, www.jct.gov, under document number JCX–52–10.

Mr. STARK, Mr. Speaker, I rise today in support of H.R. 4853 the Middle Class Tax Relief Act of 2010. This bill puts the interests of working families and our nation's fiscal health ahead of millionaires. The legislation allows the Bush tax cuts for the wealthy to expire, and protects struggling middle class families from a tax increase they cannot afford during these difficult economic times.

A vote against this bill is a vote against middle class families in order to protect millionaires and billionaires. Our colleagues across the aisle want to hold middle class tax relief hostage so that they can give yet another massive tax break to the wealthy. The Congressional Budget Office reported what we already know: tax cuts for the rich provide virtually no economic stimulus. Extending the rates for the highest income tax brackets is not a break needed by our small businesses. Individuals with small business income make up fewer than three percent of taxpayers in the top two tax brackets. There is no reason for us to use $700 billion that could be used to create jobs or reduce the deficit so that millionaires can get a tax cut.

Earlier this week Congress allowed unemployment insurance to expire for millions of Americans. Two million people will lose their unemployment benefits in December alone, including over 400,000 in my state of California. Last week, nearly every Republican voted against a three month extension of unemployment benefits to help families keep a roof over their heads and food on their dinner table over the holidays. This week, they will gladly justify using $700 billion in borrowed money to make a few thousand millionaires happy. The priorities of the Republicans are dangerous and out of touch with what our economy needs.

I support the Middle Class Tax Relief Act because it will protect middle and lower income families. In addition to making the tax cuts permanent for the first $250,000 of income for all married couples, the legislation will extend the $1,000 child tax credit; provide permanent dividend income tax relief; allow more workers to benefit from the EITC; permanently eliminate the "marriage penalty"; and patch the AMT through 2011. I urge my colleagues to not turn their backs on middle class families and to support this legislation.

Mr. LEWIS of Georgia. Mr. Speaker, long before a man finds a political party, he finds his principles. This debate about the "Bush Tax Cuts" is an opportunity to show the American people our principles—to show them that we stand for and believe in a strong middle class; to show them we believe in fiscal responsibility.

Forty-seven years ago, on the steps of The Lincoln Memorial, I criticized both the Republican and the Democratic party for doing too little for the working man and the disenfranchised. And now, as I stand here on the floor of the House of Representatives, I hope this is criticism I will not have to repeat today.

To my colleagues who fret or seek the cover of Republican votes I say, "be not afraid." Be not afraid as history will judge us right. Be not afraid as the numbers are on our side. Be not afraid as an elected official is judged not by the number of years he has served, but by the cause he has served.

Stand up and show America the cause you serve. Stand up and show America your principles. If you value and believe in the strength of America's working families, then vote "yes." If you truly believe in fiscal responsibility, then vote "yes." But if partisanship and political games come first, then vote no and allow America to see you for who you are.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on the following motion to suspend the rules previously postponed: H.R. 6469, by the yeas and nays.

PLACING CONDITIONS ON CHILD AND ADULT CARE FOOD PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6469) to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 15, as follows:

[Roll No. 601]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz

Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Broun (GA)
King (IA)
Paul

NOT VOTING—15

Bachmann
Barrett (SC)
Berry
Brown-Waite, Ginny
Buyer
Carter
DeFazio
Delahunt
Fallin
Granger
Hastings (FL)
Marchant
McMorris Rodgers
Perlmutter
Putnam

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1508

Messrs. STUTZMAN and CHANDLER changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the bill (S. 3307) to reauthorize child nutrition programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 200, nays 221, not voting 12, as follows:

[Roll No. 602]

YEAS—200

Aderholt
Akin
Alexander
Altmire
Austria
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McNerney
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paulsen
Pence
Perriello
Peters
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NAYS—221

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

NOT VOTING—12

Bachmann
Barrett (SC)
Berry
Brown-Waite, Ginny
Buyer
DeFazio
Delahunt
Fallin
Hastings (FL)
Marchant
McMorris Rodgers
Putnam

□ 1525

Mr. FARR and Ms. CASTOR of Florida changed their vote from ''yea'' to ''nay.''

Mr. GRAVES of Georgia changed his vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ROE of Tennessee. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 264, noes 157, not voting 13, as follows:

[Roll No. 603]

AYES—264

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

NOES—157

Aderholt
Akin
Alexander
Austria
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Diaz-Balart, M.
Dreier
Duncan
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Reed
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stupak
Stutzman
Sullivan
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Welch
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—13

Bachmann
Barrett (SC)
Berry
Brown-Waite, Ginny
Buyer
DeFazio
Delahunt
Diaz-Balart, L.
Fallin
Hastings (FL)
Marchant
McMorris Rodgers
Putnam

□ 1536

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MIDDLE CLASS TAX RELIEF ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, proceedings will now resume on the motion to concur in the Senate amendment to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1745, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. LEVIN).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion will be followed by a 5-minute vote on suspending the rules with regard to House Resolution 1313, if ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 12, as follows:

[Roll No. 604]

YEAS—234

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

NAYS—188

Aderholt
Akin
Alexander
Austria
Bachus
Baird

Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (AL)
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Dreier
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Radanovich
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bachmann
Barrett (SC)
Berry
Brown-Waite, Ginny
Buyer
DeFazio
Delahunt
Fallin
Hastings (FL)
Marchant
McMorris Rodgers
Putnam

□ 1555

Mr. EHLERS changed his vote from ''yea'' to ''nay.''

Ms. SPEIER changed her vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING CHILD ADVOCACY CENTER MONTH

The SPEAKER. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1313) expressing support for designation of May as ''Child Advocacy Center Month'' and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentlewoman from California (Ms. WOOLSEY) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

Ms. SUTTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 413, noes 0, not voting 20, as follows:

[Roll No. 605]

AYES—413

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

NOT VOTING—20

Bachmann
Barrett (SC)
Berry
Brown-Waite, Ginny
Buyer
Cleaver
DeFazio
Delahunt
Fallin
Gingrey (GA)
Harper
Hastings (FL)
Herger
Inglis
Linder
Manzullo
Marchant
McMorris Rodgers
Putnam
Velázquez

□ 1605

Mr. CONYERS changed his vote from ''present'' to ''aye.''

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.

IN THE MATTER OF REPRESENTATIVE CHARLES B. RANGEL OF NEW YORK

Ms. ZOE LOFGREN of California. Mr. Speaker, I call up privileged resolution, H. Res. 1737, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1737

Resolved, That (1) Representative Charles B. Rangel of New York be censured; (2) Representative Charles B. Rangel forthwith present himself in the well of the House for the pronouncement of censure; (3) Representative Charles B. Rangel be censured with the public reading of this resolution by the Speaker; and (4) Representative Rangel pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

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

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 30 minutes to the gentleman from New York (Mr. RANGEL) for purposes of debate only, and I ask unanimous consent that he be permitted to control those 30 minutes.

Of my remaining 30 minutes, I yield 15 minutes to the gentleman from Alabama, the ranking member on the Committee on Standards of Official Conduct, Mr. BONNER, for purposes of debate only, and I ask unanimous consent that he be permitted to control those 15 minutes.

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

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

As the chair of the Committee on Standards of Official Conduct and as chair of the adjudicatory subcommittee in the matter of Mr. RANGEL, I rise in support of the resolution which calls for censure of Representative CHARLES B. RANGEL.

Article I, section 5 of the Constitution provides that ''each House may punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.''

In the House, the Committee on Standards of Official Conduct is charged with recommending and enforcing ethical standards that ensure that Members and staff act in a manner befitting that public trust.

It is the role of the committee to review allegations that a Member has violated those standards. In this case, after a lengthy and thorough investigation that spanned more than 2 years and resulted in a 5,000-page report, the committee concluded that this Member violated those standards. We were charged with recommending an appropriate sanction to the House.

The entire report has been available to Members of the House and the public on the committee's Web site. Many portions of the report have previously been publicly released, some since July.

Here is a brief summary of the findings of that report and why the committee recommended censure.

In this matter, we found that Representative RANGEL engaged in misconduct in four areas.

Mr. RANGEL improperly solicited individuals and entities with businesses and interest before the House to fund the Charles B. Rangel Center for Public Service at City College of New York. He misused official resources to make these solicitations for millions of dollars. He improperly solicited funds from lobbyists.

He failed to file full and complete financial disclosure statements for 10 years.

He accepted a favor or benefit related to his use of a residential, rent-stabilized apartment as a campaign office under circumstances that created an appearance of impropriety.

He failed to report and pay taxes for years on income he received from a property he owns in the Dominican Republic.

We found that Representative RANGEL's conduct in each of those four areas violated laws and regulations, as well as the rules of the House and standards of conduct, namely that he:

Violated the Gift and Solicitation Ban, a statute enacted by Congress in 1989;

Violated clauses 2 and 5 of the Code of Ethics for Government Service;

Violated postal service laws and regulations issued by the Franking Commission;

Violated the rules of this House, including the Code of Conduct;

Violated the Purpose Law, a statute which derives directly from the Constitution;

Violated the Ethics in Government Act; and

Violated the Internal Revenue Code.

A bipartisan majority of his colleagues concluded that 11 of the 13 counts in the Statement of Alleged Violation regarding these areas of his misconduct were proved by clear and convincing evidence.

We found his actions and accumulation of actions ''reflected poorly on the institution of the House and, thereby, brought discredit to the House.''

□ 1610

Nothing we say or do here today will in any way diminish his service to our country or our gratitude for his service, both in this House and as a hero of the Korean War.

But that service does not excuse the fact that Representative RANGEL violated laws. He violated regulations. He violated the rules of this House. And he violated the standards of conduct.

Because of that misconduct, the nonpartisan committee staff recommended that he be censured, and a bipartisan majority of the committee voted to recommend censure.

The committee also voted to require that he pay restitution to taxing authorities.

Censure is a very serious sanction and one rarely imposed by the House. The decision to recommend that sanction was not reached lightly.

In making its recommendation, the committee considered the aggregation of Representative RANGEL's misconduct. The committee concluded that his violations occurred on a ''continuous and prolonged basis'' and were ''more serious in character, meriting a strong Congressional response rebuking his behavior.''

For the violations related to the payment of taxes, the committee considered not only the amount of taxes he failed to pay over many years, but the fact that he served at various times in highly visible and influential positions as both chairman and ranking member of the Ways and Means Committee.

It brought discredit to the House when this Member, with great responsibility for tax policy, did not fully pay his taxes for many years.

Some have questioned whether a recommendation of censure is consistent with the committee's past precedent. It is true that in the committee's roughly 40 years of existence, the House has censured just four Members. But it is also true that for precedent to be followed, a precedent must be set.

We follow precedent, but we also set it. For example, nearly 30 years ago, the committee recommended that two Members be reprimanded for engaging in sexual relations with pages. The House rejected the recommendation and instead censured those two Members. It is possible that if that situation were to occur again today, this House might not feel censure is a severe enough action.

Many of us in this body pledged 4 years ago to create the most honest, most open, and most ethical Congress in history. Censure for this misbehavior is consistent with that pledge.

At the hearing, the nonpartisan committee counsel said clearly that Representative RANGEL's pattern of misconduct appeared to reflect ''overzealousness'' and ''sloppiness.'' But he also said that did not excuse his misconduct.

In light of those considerations, a bipartisan majority of the committee concluded that it was appropriate to recommend to the House that Representative RANGEL be censured.

Throughout this matter, key decisions were made with bipartisan votes. Not all votes were unanimous, but each was made on the basis of a bipartisan, majority vote.

The purpose of the ethics process is not punishment, but accountability and credibility: accountability for the respondent and credibility for the House itself.

Where a Member has been found by his colleagues to have violated our ethical standards, that Member must be held accountable for his conduct.

Representative RANGEL has violated the public trust. While it is difficult—actually painful—to sit in judgment of our colleague, it is our duty under the Constitution to do so. And, accordingly, I bring this resolution to the floor today.

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

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 15 minutes.

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

This is a solemn moment for this House in a time where, in a little under an hour, all of our Members will have an opportunity to make a statement with their vote. As such, and because the rules allow Mr. RANGEL 30 minutes to defend himself against the recommendation of the committee, and the committee's time is being evenly divided between the chair and the ranking member, I want to inform the body that there will only be three Members on this side of the aisle who will speak. I say this because there have obviously been a number of Members who have approached me, even some on this committee, asking for time. But out of respect for all, and especially in light of the rare nature of this debate, I intend to recognize our time only to myself, Mr. HASTINGS, the former chair of the Ethics Committee and our colleague who served for almost 2 years on the investigative subcommittee, as well as our colleague, Mr. MCCAUL, who served as the ranking member of the adjudicatory subcommittee during that phase of this matter.

Naturally, if other Members care to have their views inserted into the RECORD, we would have no objection.

With that, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Speaker, first let me thank the gentleman from Alabama for his leadership on this solemn occasion. This is an important day for Mr. RANGEL, for the Congress, but most importantly, for the American people. As the ranking member during the Rangel adjudicatory proceedings and as a former Federal prosecutor in the Public Integrity Section of the Department of Justice, I take this responsibility very seriously.

And let me be clear, no Member asked for this assignment. But we accept our responsibility here today for no other reason than to protect the honor, integrity, and credibility of this great institution.

The America's people confidence in us is at historic lows. They want their elected representatives held accountable for their actions, just as they are held accountable as private citizens. And today, we have an opportunity to begin a new era restoring the trust of the American people.

The committee agreed on 12 of the 13 counts, finding that he violated multiple rules of the House and Federal statutes, including the most fundamental code of conduct, which states ''a Member . . . of the House shall conduct himself at all times in a manner that shall reflect credibility on the House.'' And credibility is exactly what is at stake here; the very credibility of the House of Representatives itself before the American people.

Most egregiously, the committee found that Mr. RANGEL failed to pay his income taxes for 17 years. And this, while serving as chairman of the committee that writes the tax laws for the Nation. What kind of message does this send to the average working man or woman who plays by the rules and struggles every day to pay their own taxes?

Mr. RANGEL also solicited contributions from corporations, foundations, and lobbyists who had business before his committee to build a school bearing his name. I have consistently opposed Members of Congress naming monuments after themselves.

The committee recommended the most severe punishment available based upon the facts and the precedents. This sanction is both rare and historic.

Founding Father John Adams said that ''moral authority and character increases as the importance of the position increases.'' In his letter to the Speaker, Mr. RANGEL stated that as chairman of the Ways and Means Committee, he is to be held to a higher standard of propriety. I agree. Mr. RANGEL failed to hold himself to this higher standard. And the American people deserve better.

And I sincerely feel for Mr. RANGEL as a human being.

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

Mr. BONNER. Mr. Speaker, I yield the gentleman another 15 seconds.

Mr. MCCAUL. And while I sincerely feel for Mr. RANGEL as a human being, I feel more strongly that a public office is a public trust. And Mr. RANGEL violated that trust.

The Speaker challenged us to enter into a new era of transparency and accountability. Let us begin today. Let justice be served. Let us begin to enter into a new era of ethics to restore the credibility and integrity of this House, the people's House.

Mr. BONNER. Mr. Speaker, at this time I now yield 3½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Alabama for yielding me this time.

Mr. Speaker, for over 2 years I served on the investigative committee that reviewed allegations and evidence involving Mr. RANGEL, and we found substantial reason to believe, which is what our threshold was, that violations occurred. Because the facts of this matter are not disputed, I will not comment on the evidence. But I will, however, comment on the length of the investigation and particularly a statement made by Mr. RANGEL regarding the confidential work of the investigative committee.

First, on the length of the investigation. Chairman GREEN and I, when I was the ranking member of the subcommittee, had every intention of completing the investigation before the conclusion of the 110th Congress, but events intervened.

□ 1620

In September 2008, Mr. RANGEL publicly pledged that he would release in a timely manner a forensic analysis of 20 years of his tax returns and financial disclosures. However, we did not receive the report until May of 2009, 8 months later.

Then, in December 2008, serious new allegations involving Nabors Industries resulted in the committee's unanimous decision to expand its jurisdiction.

In August of 2009, amendments filed by Mr. RANGEL to his financial disclosures raised serious new questions, resulting in the committee unanimously expanding an investigation once again.

Finally, after receiving the information long requested from him, the subcommittee completed its work, and sent the Statement of Alleged Violations to him on May 27, 2010. Remember that date.

Now, on Mr. RANGEL's statement—and here I am going to be very critical, Mr. Speaker. Let me read a statement he made in an article dated June 6, 2010, in Politico—and I'm quoting Mr. RANGEL now.

''I would normally believe, being a former Federal prosecutor, that if the allegations involve my conduct as a Member of the House and there is a committee with Republicans and Democrats there, then that you refer to the committee. And if they're so confused after 18 months that they can't find anything, then that is a story.''

Mr. RANGEL, in my view, had misrepresented the work of the subcommittee. Why do I say that? Because the comments he made were comments over a week after the subcommittee had transmitted a detailed confidential Statement of Allegations, accompanied with thousands of pages of documents, to him. He knew the contents of the report.

Confused?

There is no confusion. Everything was in his possession. He knew what the subcommittee produced, and he deliberately misrepresented its contents. In fact, he was aware of the subcommittee's work as early as December 15, 2009, when he testified before the committee. In addition, after he received the SAV, he subsequently met in executive session, at his request, two more times with his counsel.

I mention this because there is discussion of process in this matter. It is completely disingenuous to suggest that the subcommittee had treated him unfairly.

So, Mr. Speaker, the investigative subcommittee completed its responsibilities to the House and the American people in a timely, professional, and responsible manner. The facts supporting the 11 violations are not disputed.

I will vote for the resolution.

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

Ms. ZOE LOFGREN of California. I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 30 minutes.

Mr. RANGEL. First, let me apologize to this august body for putting you in this very awkward position today.

To the Ethics Committee, I do recognize that it is not a job that many of us would want to have.

Last week, as we were reading about the North Koreans attacking the South Koreans, I was haunted by the fact that, on November 30, 60 years ago, I was in Korea as a young, 20-year-old volunteer in the 2nd Infantry Division. On that occasion, in subzero weather—20 degrees below zero—the Chinese surrounded us and attacked, and there were hundreds of casualties wounded and killed and captured. Bugles blared and screams were heard.

I was wounded and had no thoughts that I would be able to survive. But God gave me the strength, not only to survive, although wounded, but to find my way out of the entrapment, and for 3 days, I had the strength to lead 40 of my comrades out of that situation. We all were haunted by the fact that so many of my comrades did not survive it.

I tell you that story, not for sympathy, but to let you know that, at that time, in every sense, I made up my mind that I could never complain to God for any events that occurred in my life and that I would dedicate my life to trying, in some meaningful way, to improve the quality of life for all Americans as well as do as much as I could for humankind.

It is for that reason that I stand to say that I have made serious mistakes. I do believe rules are made to be enforced. I do believe that we in the Congress have a higher responsibility than most people. I do believe that senior Members should act, in a way, as a model for new and less experienced Members. I do believe that there should be enforcement of these laws. There should be sanctions.

But if you're breaking new ground, I ask for fairness. In none of the precedents of the history of this great country has anyone ever suffered the humiliation of a censure when the record is abundantly clear and never challenged, and when, in those 2 years of investigations which I called for, counsel on the committee found no evidence at all of corruption, found no evidence of self-enrichment, found no evidence that there was an intention on my part to evade my responsibility, whether in taxes or whether in financial disclosures.

There is absolutely no excuse for my omissions for my responsibility to obey those rules. I take full credit for the responsibility of that. I brought it on myself, but I still believe that this body has to be guided by fairness. So that's all I'm saying. I'm not here to complain. I have too much to be thankful for, being from where I am and who I am today.

Once again, it has been awkward, especially for my friends and supporters, but I want to respect the dignity of the community that elected me to serve them. I want to continue to serve this Congress and this country and do what I can to make life better for other people, and I think we all agree that, in 40 years, I've tried my darndest to do that.

So, at this point, by unanimous consent, I would like to turn the remainder of the time that the Chair has given to me to my fellow colleague, BOBBY SCOTT.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia will control the time.

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, I served on the special subcommittee appointed to investigate this matter, and dissented from the subcommittee report. I rise to oppose the pending motion to adopt the resolution.

I believe that, under precedents of the House, imposing censure on one of our Members for violating procedural rules of the House under these circumstances would be singularly harsh, unfair, and without precedent. Now, Mr. RANGEL has acknowledged his mistakes, and he has asked to be punished fairly, which means punished just like everybody else similarly situated. Accordingly, I believe the punishment is appropriate, but I believe that censure is inappropriate.

Congressman CHARLES B. RANGEL is a dedicated public servant and a decorated soldier who has made outstanding contributions to the people of his congressional district, to the United States, and to this institution.

□ 1630

Yet he has made mistakes which have resulted in violations of the rules of official conduct for Members of the House and he will be punished for those violations. The question is what is the appropriate punishment?

We need not answer this question in a vacuum. Congressman RANGEL is not the first Member to violate rules of official conduct, so we have ample precedents from which to glean the appropriate punishment. It is clear from the precedents of the House that censure is not a fair and just punishment for these violations. When censure or even reprimand has been imposed for violations in past cases, they have involved direct financial gain or criminal or corrupt conduct. The committee counsel during the hearings acknowledged that those elements are not found in this case. Furthermore, the committee report in this matter acknowledges that the recommendation of censure in this case is in violation of prior case precedents. The point is made in the report on page 7, and I quote:

''Although prior committee precedent for recommendation of censure involved many cases of direct financial gain, this committee's recommendation for censure is based on the cumulative nature of the violations and not direct personal gain.'' But using ''cumulative nature of the violations'' to support the committee's recommendation of censure is without precedent. In the case of former Congressman George Hansen, the committee stated that, and I quote, ''It has been the character of the offenses which established the level of punishment imposed, not the cumulative nature of the offenses.'' And so a review of prior precedents establish that neither the character nor the cumulative nature of the violations warrant censure.

Eight of the 11 counts that the committee found that Congressman RANGEL has violated are for raising money for a center at a public university in his congressional district. The program is to train young people to go into public service, using his life experience as an inspiration. Assisting a constituent institution with such a project is not a violation in and of itself, but there are proper procedures to be followed if you're going to raise money for a local college. He openly assisted the institution, clearly with no intent to do anything improper, but he did unfortunately violate the rules by not following proper procedures. Once the determination was made that he used official resources to help the local college, that one mistake has been converted into almost eight different counts:

One, he used the letterhead; two, he used the staff; three, he used office equipment; he used franked mail; all from the fact that he cannot use official resources. That was a mistake for which he should be punished. The question is what should the punishment be for messing up and raising money improperly?

Well, we have the case of former Speaker Newt Gingrich who was found to have violated House rules by misusing tax-exempt entities to fund a partisan college course aimed at recruiting new members to the Republican Party after he had been warned not to. Moreover, he was found to have filed four false reports to the committee about the matter in 13 instances, causing substantial delays and expense to the committee. Yet he was reprimanded, not censured, and did not lose his job as Speaker. Congressman RANGEL did not lie about his activities, he gained no partisan advantage, he believed that he was doing right although he made mistakes, and he received no prior warning, as did Speaker Gingrich. Yet Congressman RANGEL lost his

chairmanship on Ways and Means and now faces the possibility of a censure, not a reprimand, as Speaker Gingrich received.

Another example of raising money in violation of House rules involved former House majority leader Tom DeLay. He was admonished by the committee for participating in and facilitating an energy company fund-raiser which the committee found created an appearance of ''impermissible special treatment or access.'' Mr. DeLay was also cited for his ''intervention in a partisan conflict in the Texas House of Representatives using the resources of a Federal agency, the FAA.'' An ethics investigation involved accusations of solicitation and receipt of campaign contributions in return for legislative assistance, use of corporate political contributions in violation of State law, and improper use of official resources for political purposes. I think everybody here is aware of recent news reports that Mr. DeLay has been convicted of charges of money laundering in connection with circumventing a State law against corporate contributions to political campaigns. For being found guilty of money laundering and conspiracy, the media reports that he faces possible prison sentences of between 5 and 99 years in prison. Yet the House did not censure Mr. DeLay, nor did they even impose a reprimand. They only issued a committee letter. Mr. RANGEL has made mistakes and he should be punished, just like everyone else in the past, consistent with precedents.

On the issue of Mr. RANGEL's rent-stabilized apartment for use as a campaign office, let the record reflect that Mr. RANGEL's landlord knew of his use of the apartment for a campaign office and did not see it as illegal. And the committee records reflect that an attorney for the New York housing authority testified that the use decision was up to the landlord. If somebody rented the apartment that was not technically protected by the rent stabilization law, the tenant is not protected; however, the lease is permitted. That's what the attorney for the housing authority said. And I don't know whether that's right or wrong, but that's what CHARLIE RANGEL believed, that's what his landlord believed, and that's what the housing authority lawyer believed.

Now let's talk about this apartment. It had been vacant for months. CHARLIE paid sticker price for the rent. He passed nobody on the waiting list. This is not a corrupt scheme. To the extent that there is a violation, let's punish him consistent with others who have had problems. Earl Hilliard, for example, was found by the committee to have been paying more than market rent for his campaign headquarters; the rent paid to family members who owned the building. He was not censured. He wasn't even reprimanded. He received a committee letter.

Other cases involving campaign violations and use of official resources have not resulted in censure. One example is the case of Bud Shuster for violations of House rules related to campaign and other violations. He was found to have knowingly allowed a former employee-turned-lobbyist to communicate with him within 12 months following her resignation, to influence his schedule and give him advice pertaining to his office. He was also found to have violated the House gift rule, to have misused official congressional resources, misused official congressional staff for campaign purposes, and to have made certain expenditures from his campaign accounts for expenses that were not for bona fide campaign or political purposes. Yet he received a letter, not a censure, not even a reprimand. Although both of those cases involved personal financial gain and intentional violations of the rules, the sanction for both was a letter of reproval. Mr. RANGEL neither personally benefited nor intended to violate the rules.

There is an issue now of his failure to report income on rental property, on property he owned in the Dominican Republic, and report those appropriately on his disclosure statement. I say ''properly,'' because ownership and some rental payments were in fact reported on his disclosure, so there's nothing to cover up. And while he did not file all his reports properly, these are not matters that warrant censure. Mistakes made on disclosure are usually corrected with nothing more said. The only cases where there is a violation, a sanction, for failing to disclose are cases where there is some corrupt cover-up. For example, failing to file campaign contributions from Tonsong Park during Korea-Gate or failing to have loans or assets with those who would reveal a conflict of interest. The committee found no evidence that failure to report was for financial gain or cover-up.

The tax issues. Comment was made that he hadn't paid taxes for 17 years. Let's say a word about those taxes. Tax matters involved a deal where he and many others had pooled their rents and paid expenses and anything left over was profit. Well, it wasn't as profitable as they hoped. He got a couple of small checks over all those years and that was it. However, one of the bills paid was his mortgage. And diminution of principal is technically income on which you have to pay taxes. Whatever sanction there should be for that transgression should be consistent with precedents. The only example of anybody sanctioned for tax matters in this House in the history of the United States have been those who did not pay taxes on bribes they received. That's it. All we ask is that he be sanctioned like everyone else.

Since there is no indication that CHARLIE RANGEL's reporting violations were intended for financial gain, concealment or other corruption, censure is clearly not the just sanction. Moreover, he hired a forensic accountant to assure that all of the matters have been cleared up. He knows he messed up. He knows he'll be punished. We just ask that he be punished like everybody else. Unfortunately, CHARLIE RANGEL will be punished for his transgressions but neither the nature of the offenses nor their cumulative impact has been a sufficient basis for censure of any other Member in the past. Nor has the level of one's position been a basis for sanction as we said in the case of Newt Gingrich or Tom DeLay. Both had multiple serious violations that were intentional with aggravations such as concealment, lying and failure to heed warnings, none of which are in this case.

□ 1640

All the instances of censure, reprimand, reproval, admonishment and other cases of sanctioning make it clear that censure is not an appropriate sanction in this case. Now, CHARLIE is not asking to be excused for his conduct. He accepts responsibility. All we ask is that we cite what has been done in the past for conduct similar to his and apply a sanction similar to those sanctions. And based on the precedent, there is no precedence for a censure in this case.

Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding.

Mr. Speaker, at the outset, let me express my profound respect for Chairperson LOFGREN, Ranking Member BONNER, my friends Mr. HASTINGS and Mr. MCCAUL, and all the members of the Ethics Committee for their dedicated efforts in this very, very painful matter. Having said that, I will vote against this censure resolution because I do not believe the findings warrant the severe penalty of censure. I reached this conclusion after reading and studying hundreds of pages of committee documents, including the subcommittee findings, the minority views of Congressman SCOTT, the report of the full committee, and myriad exhibits and correspondence.

Mr. Speaker, censure is an extremely severe penalty. In the more than 200-year history of this body, only 22 Members have been subjected to censure. None in more than a quarter century.

If expulsion is the equivalent of the death penalty, then censure is life imprisonment.

Mr. Speaker, I have found no cases where charges similar to or analogous to those against Congressman RANGEL resulted in censure. Thus far, this penalty has been reserved for such violations as supporting armed insurrection against the United States and sexual abuse of minors. In Congressman RANGEL's case, as Mr. SCOTT pointed out, the committee chief council said he found no evidence of corruption, and the committee report itself said there was no ''direct personal gain'' to Congressman RANGEL.

Mr. Speaker, my religious faith is based on Scripture and tradition. My

training as a lawyer has taught me to respect precedent. Why, today, are we being asked to reverse more than 200 years of tradition and precedent?

There is no doubt that Congressman RANGEL has violated rules of this House, but these violations are malum prohibitum, not malum in se. There is no evidence or finding of criminal intent, no mens rea. As Congressman SCOTT pointed out, it was public record that CHARLIE RANGEL was living in a rent-stabilized apartment. That was hidden from nobody. It was public record that his campaign headquarters was in a rent-stabilized building. It was hidden from nobody. It was also public record that CHARLIE RANGEL had a home in the Dominican Republic. It was public record that CHARLIE RANGEL was trying to obtain funding for a public university in his district. Nothing was hidden. So where is the criminal intent? That is why I strongly believe the appropriate penalty is a reprimand.

Why are we departing so significantly from tradition and precedent in the case of CHARLIE RANGEL? Certainly it can't be because of who he is or what he has achieved in his life—a kid from the inner city who emerged from very troubled surroundings to be a combat soldier and an authentic war hero who left his blood in Korea, who worked his way through law school, who became a distinguished prosecutor in the United States Attorney's Office, who was elected to the New York State Legislature and to the United States Congress, where he has served with distinction 40 years.

Now, lest my Republican friends get nervous, let me make it clear; while CHARLIE RANGEL is a friend and colleague, we disagree on virtually every issue. I can't begin to tell you how many times CHARLIE and I have gone at it and debated over the years on local news shows back in New York—maybe not as bad as my debates with ANTHONY WEINER, but they were very significant debates. During that entire time, I have never heard anyone question CHARLIE RANGEL's integrity nor have I ever seen CHARLIE RANGEL treat anyone with disrespect—which is very unusual for somebody in his high position, as many of us know—whether it be flight attendants, cab drivers, staff members, or the guy on the street corner on 125th Street.

My colleagues, I know we can get caught up in the zeitgeist of media attacks and political storms, but I am imploring you today to pause for a moment and step back, to reflect upon not just the lifetime of CHARLIE RANGEL, but more importantly the 220-year history of tradition and precedent of this body. Let us apply the same standard of justice to CHARLIE RANGEL that has been applied to everyone else and which all of us would want applied to ourselves.

Mr. Speaker, I respectfully urge a vote against censure.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1½ minutes to the gentlelady from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise today in defense of the gentleman from New York (Mr. RANGEL), and I appeal to my colleagues and your sense of fairness as you deliberate on this matter.

Censure is a very serious sanction, one step short of expulsion. Only 22 times in the history of this body has the House censured a colleague, and not once in the last 27 years.

In the past, this punishment has been reserved for serious acts of corruption—taking bribes, lying under oath, gross sexual misconduct, profiting from one's office. Carelessness and minor rules violations have never been grounds for censure. Far more serious ethical lapses than Mr. RANGEL's have not met with censure; for example, Newt Gingrich and Tom Delay. But they were not censured. In fact, Newt Gingrich continued to serve as Speaker of the House.

Mr. RANGEL has cooperated fully with the Ethics investigation, acting with transparency and expressing regret and apologies for his actions. Quite simply, Mr. RANGEL's transgressions and lapses in judgment do not rise to the level of censure. Fairness, my colleagues, demands that we vote ''no.''

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. SCOTT.

I too have, as Mr. KING said, enormous respect for the Ethics Committee. It's a job that none of us ask for and none of us want, but it has to be done to protect the House of Representatives.

As a lawyer, I also believe in precedent. And I have searched this record and find no activity involving moral turpitude or any activity that could be classified as one with criminal intent. Therefore, I think an appropriate action that would protect the House as well as punish Congressman RANGEL would be a reprimand. I think that is the appropriate punishment commensurate with what has occurred here, unfortunately.

Mr. SCOTT of Virginia. I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I would concur with what was just last said. I have great respect for the committee. Nobody wants your job.

I came here 14 years ago, and looking back on years that have gone by, I met CHARLIE RANGEL as a colleague here, and then I learned sometime after that we were fellow veterans and fellow soldiers. I realized that he had served with honor and distinction. One year ago last December, I led a codel and we flew to Korea. And reflecting back on my time as a student, a teacher in the Command and General Staff College, and read a lot of that history, the conflict that I served in, as many of you, I thought of CHARLIE. And he was valorous and did his job.

□ 1650

CHARLIE's erred. We know that. I'm not going to repeat those things. He's erred.

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

Mr. SCOTT of Virginia. I yield the gentleman 10 more seconds.

Mr. BOSWELL. But I think censure is too much. A reprimand is appropriate, and he would accept that. And I would ask this House to recognize that, his history, and do the right thing. I would support the reprimand.

Mr. SCOTT of Virginia. I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I, too, rise along with my colleague from Texas to protect the integrity of this House. I just simply want to do it in a different manner than the wording that is reflected in this resolution, which is not there. And it is not just. And I think we have an opportunity to still protect the integrity and reputation of this House, but to do it in a fair and reasonable manner.

You have heard about all of the allegations, but I want to quote from what transpired during that committee hearing.

Mr. BUTTERFIELD states: ''In all of your investigation of this matter, do you see any evidence of personal financial benefit or corruption?''

And the prosecuting attorney, the one that may have recommended the censure, replies, ''I see no evidence of corruption. Do I—do I believe, based on this record, that Congressman RANGEL took steps to enrich himself based on his position in Congress? I do not.''

This is a chance for this House to rise to the occasion and to do the right thing. And that's what furthers the reputation and the good name of this House, by doing the fair and just thing. We are held to a higher standard, and that's why Mr. RANGEL has admitted to his misdeeds. But since when do we forfeit the right to fair and just treatment? Since when? When we take the oath of Members of Congress? I think not.

We are a jury today. And if you were a jury, you'd be admonished, do not let prejudice, bias, or sympathy play any part in your deliberations. But the truth is we are a very different kind of jury. We worry that we are going to be scrutinized and whatever decision we reach today in our vote may result in political criticism. That's the greatest fear.

But we will overcome that and do the fair and just thing.

Mr. SCOTT of Virginia. Could the Speaker advise me how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 2¼ minutes left, the gentleman from Alabama has 6½ minutes, and the gentlewoman from California has 9 minutes.

Mr. SCOTT of Virginia. I yield the balance of my time to the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Mr. Speaker, like many Members of the House, I have long considered CHARLIE RANGEL a friend and a great public servant, but that is not before us now.

We must now consider a report from the Ethics Committee finding that Mr. RANGEL violated the rules of the House and recommending that he be censured for that. I do not disagree that he violated the rules of the House in serious ways; but under our standards and precedents, his conduct merits a reprimand, not a censure.

In his actions, Mr. RANGEL showed carelessness, poor judgment, and a severe disregard for the rules of the House. Some sanction is necessary and appropriate, but our precedents command a reprimand, not a censure.

Censure has been reserved for corruption, personal corruption, improper personal financial gain and intent to gain money, or sexual misconduct. None of that is present here. You heard the discussion of people who were censured for personal financial gain, for bribery, for lying to the committee, such as Messrs. Wilson and Diggs and people like Mr. Gingrich and Mr. Hansen who committed severe infractions but were reprimanded.

In this case, the staff director and chief counsel of the Ethics Committee said he saw ''no evidence of corruption.'' Further, he admitted he did not believe Mr. RANGEL was trying to enrich himself.

What happened according to the chief counsel and the finding of the committee was that Mr. RANGEL was overzealous in his advocacy for City College and sloppy in his financial dealings. Neither overzealousness nor sloppiness merits censure.

While not as severe as censure, reprimand is a very serious punishment. If passed in this case, it would reflect the collective judgment of the entire House that the conduct of Mr. RANGEL was wrong and deserves a serious sanction.

The decision by the Ethics Committee to recommend censure was based, it said, on the ''cumulative nature of the violations'' and ''because the 11 violations committed by Representative RANGEL on a continuous and prolonged basis were more serious in character, meriting a strong congressional response rebuking his behavior.''

What this ignores, however, is that eight of the 11 separate counts all stemmed from just one factor: Mr. RANGEL's belief that certain advocacy for City College, an institution in his district, amounted to constituent service and therefore constituted official action.

Second, Mr. RANGEL did not, as Mr. BONNER said, fail to pay taxes for 17 years. Of course he paid taxes, and filed every one of those years. He did fail to report some income from a villa he owned.

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

The time of the gentleman from Virginia has expired.

Ms. ZOE LOFGREN of California. I would yield 30 seconds to the gentleman.

Mr. NADLER. He did fail to report some income because he mistakenly believed that the income which was plowed back into the mortgages from which he never saw a check was not reportable. This was wrong. But it was one ongoing error, not cumulative and not a continuing error.

I ask my colleagues to consider all of this. A reprimand is a serious punishment that reflects our precedents and standards. That will reflect credibly on the House. A censure, a punishment never previously imposed for this level of violation of House rules with no adequate explanation for the sudden change in standards offends one's sense of fair play and therefore does not reflect credibly on the House.

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

This is a sad day, but a necessary day, to complete final action on a matter that honestly should have been concluded with a public trial. Mr. RANGEL chose to walk out of that hearing and failed to present his case. Instead, we are left with a vote, an important vote, I would suggest, not only for Mr. RANGEL, but equally a significant vote for this House as an institution and for how we are seen by our employers, the American people.

Watching at home, some are probably looking on with a curiosity of sorts as we dispense with this unpleasant yet constitutionally mandated responsibility to punish our own when necessary.

In fairness, today's action may also confirm what many of us already know—that Washington, D.C. truly is disconnected from the real challenges and worries that much of the rest of America is facing every day: the angst of a father whose son is standing guard in some dangerous remote location in Afghanistan, or the uncertainty of that single mom who was just told this week that she had been fired. Not only does she have to worry about whether she can afford Christmas for her children, but whether she can pay the car note or the rent without a job.

All across America, these are the real life crises that our constituents are facing. And yet here on the House floor, one of our colleagues is dealing with something that to him, and I believe to all of us, should be considered a serious matter and one that deserves our utmost attention.

As I noted back on July 29 when the investigative subcommittee reported this case, there is no debate but that Congressman CHARLES RANGEL has led a compelling life story, one that all of us, including myself, can respect. He was a private, as his autobiography said, left to die on that battlefield in North Korea. He earned the Purple Heart and the Bronze Star for bravery. And he was a fatherless high school dropout who went from pushing that handcart in the streets of New York City to becoming one of the most powerful figures on Capitol Hill. We all know the story.

But my friends, Mr. RANGEL's life story is not why we are here. After all, every American has their own unique story to tell. Regretfully, this is a day that did not have to be if only Mr. RANGEL had settled for the lesser sanctions that today he hopes this body will somehow consider.

During the course of the investigation, he was given multiple opportunities to settle. Instead, he chose to fight on, declaring his innocence in saying the committee did not have a case.

If only Mr. RANGEL had paid his taxes, as we are all required to do. As chairman of the Ways and Means Committee, he certainly knew something about requiring Americans to pay their taxes.

□ 1700

But the Ethics Committee found by clear and convincing evidence that Mr. RANGEL himself had failed to pay his taxes for 17 years, violating U.S. as well as State and local tax laws on income derived from his beach villa in the Dominican Republic.

My friends, when you go back home this weekend try explaining to your constituents that it's okay for a powerful Member of Congress, the chairman of the tax-writing committee, to not pay his taxes. Just don't ask your constituents to do the same.

If Mr. RANGEL had just used the Ethics Committee as it is intended to be used, to give advice and counsel on how we can use our names to benefit worthy causes, such as creating a school for underprivileged minority students to encourage them to consider public service. There's nothing wrong with that idea. Actually, it is rooted in the most noble of American missions: education. But rather than finding out how he could do it the right way and legally, Mr. RANGEL instead chose to use both his personal and committee staff, as well as other official resources of his office, to help solicit donations of up to $30 million each for a school and library to ensure his legacy. Donations from some of the 100 biggest and wealthiest corporations in America, many of whom had direct interests before this very committee that he chaired. The Ethics Committee found by clear and convincing evidence that Mr. RANGEL solicited those donations from the very lobbyists of those companies who were coming before his committee.

As Members of Congress, we are all required to file financial disclosure statements. It's not easy to do, and sometimes it's easy to make a mistake. But again, this committee found on clear and convincing evidence that Mr. RANGEL for 10 years failed to file his reports promptly, and they had numerous omissions, including the failure to disclose over a half a million dollars.

Ladies and gentlemen, my colleagues, there is a lot to be said today,

and a lot has been said. Keep this in mind as you consider the report of the only truly bipartisan committee that stands in this Congress, the only one that's evenly divided, and sent this recommendation of censure to you for your consideration.

Mr. RANGEL is a man who has spent more years on the Hill than all but five of our colleagues, and he has served his district for longer than 26 of our Members have been alive. Even so, this recommendation of censure was not made lightly, and it was not made without respect for the totality of his life or the seriousness and number of charges for which he has been found guilty.

It is a sad day for sure, Mr. Speaker. But now the entire House has a responsibility to join the Ethics Committee in rendering your judgment. I have no doubt that the people that we work for will be watching with interest.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD), a member of the committee.

Mr. BUTTERFIELD. Let me thank the gentlelady for the time.

As a member of the committee, I rise today to oppose the pending motion. There is no question that Mr. RANGEL violated House rules. For more than a year he has admitted his misconduct and has apologized for it. But it must be clear, Mr. Speaker, there is nothing in this record to suggest that Congressman RANGEL engaged in dishonest or corrupt conduct. Nor is there evidence suggesting that he sought to enrich himself while violating his oath.

The record shows that Mr. RANGEL was approached by City College of New York to seek assistance in obtaining funds to establish an inner city school for disadvantaged youth, and he did so. My colleagues, you must know that it is not unethical or improper for Members to raise funds for a charitable purpose. Many of you do this every year, and it's a good thing. Our rules simply require any Member desiring to raise funds for a 501(c)3 charitable purpose to refrain from using official resources.

In this case, Congressman RANGEL improperly used official resources to make the solicitation. Yes, that was a mistake. But it was not corruption. Had he written his solicitation letters on other than official stationery and mailed them with 44-cent stamps, that would not be a problem.

The other observation I make, Mr. Speaker, concerns the appropriate sanction for a Member who has been found to have violated House rules not involving dishonesty or corruption. The punishment in this case, in my humble opinion, should be reprimand or less. Censure has always been reserved for extreme and outrageous conduct, touching upon corruption and intent to gain a financial benefit.

As many of you perhaps know, I spent much of my former life as a superior court judge. For nearly 15 years, I made difficult sentencing decisions every day. In making difficult decisions, the judge must first decide a baseline punishment and then adjust that punishment by weighing aggravating and mitigating circumstances. As applied to this case, the baseline punishment was offered by our committee counsel. He stated that the proper punishment, in his opinion, was between reprimand and censure.

If that be so, Mr. Speaker, it seems to me that aggravating and mitigating circumstances become important. There are mitigating circumstances, my colleagues, that you should consider that substantially outweigh any aggravating factors that you may find. In deciding whether to round up to censure or round down to reprimand, I ask you to consider a dozen factors: his age, 80 years of age; combat military service of 3 years as a volunteer; Bronze Star; Purple Heart; left on the battlefield for dead; length of legislative service here is 40 years; he requested our committee to investigate these matters; he acknowledged mistakes at an early stage, and was willing, he was willing to settle this matter without a trial; he did not participate in the evidentiary hearing. Some of you may see that as a negative. But failing to participate in the hearing essentially admitted the essential facts of this case, precluding a long trial. He could not afford counsel after spending $2 million, and we refused to waive the rule to allow for pro bono counsel. Over the years, he has mentored Democratic and Republican members on this floor. And he has been a person of good moral character.

These, my colleagues, are mitigating factors that support reprimand. I urge my colleagues to vote to reprimand our dear colleague. Let him know that he must be sanctioned for his carelessness, but let him know that this House understands fairness and justice and legal precedent. A censure is not justified in this case.

I thank you, Madam Chair, for the time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I want to just make a couple of brief comments before turning back to Mr. BUTTERFIELD.

First, although the issue of two Members in 1983 being censured for sexual misconduct has been mentioned, historically censure has been used a variety of times, including the very first time, for insulting the Speaker of the House; insulting the House, Mr. John Chandler, by introduction of a resolution containing unparliamentary language; Mr. Hunter, using unparliamentary language; Mr. Holbrook, using unparliamentary language. So I think it is important to at least have that history.

I want to say one other thing. And we do not discuss the executive session deliberations of the committee, but I feel obliged to note, since I think a misimpression could be had, that in fact Mr. RANGEL did sign a settlement effort, and the committee was unable to reach a settlement agreement with Mr. RANGEL earlier this year.

Now, it may well be that the committee and the House could do a different sanction. Mr. SCOTT identified several Members and former Members and staffers who are either still serving sentences in prison or still in court being tried in ongoing proceedings of misconduct. I think it's precisely because of that failure to put Members of this body and the American public first, to demand a higher standard, that the committee on a 9–1 vote recommended this sanction.

We need a higher standard. Mr. RANGEL himself has acknowledged that we must meet a higher standard. Process is about protecting the integrity of the House as much as it is about sanctioning an individual who has violated the rules. The nonpartisan committee counsel recommended this. On a 9–1 vote the bipartisan committee recommended this.

This is a wrenching decision for us all. It is not with any pleasure at all that I stand here today presenting the committee's report. And finally, it is for each and every one of us to sort through our own conscience, mindful of the obligation we have first and foremost to the American people, to protect the integrity of the House as we decide what to do.

□ 1710

Each of us must cast the vote that we think is right, and I will respect each Member who does that.

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

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike ''be censured;'' and insert ''be reprimanded and'', strike paragraphs (2) and (3), and redesignate paragraph (4) as paragraph (2).

Mr. BUTTERFIELD. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore. The previous question was ordered.

The question is on the amendment.

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

RECORDED VOTE

Mr. BONNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 267, not voting 20, as follows:

[Roll No. 606]

AYES—146

Ackerman	Baldwin	Boswell
Andrews	Barrow	Boucher
Arcuri	Becerra	Boyd
Baca	Berkley	Brady (PA)
Baird	Bishop (GA)	Brown, Corrine

Butterfield
Capps
Capuano
Carson (IN)
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeLauro
Dicks
Dingell
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Etheridge
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
King (NY)
Kissell
Kosmas
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lowey
Luján
Maffei
Maloney
Markey (MA)
Matsui
McCollum
McDermott
McGovern
Meeks (NY)
Melancon
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor (AZ)
Paul
Payne
Pingree (ME)
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Scott (GA)
Scott (VA)
Serrano
Sires
Slaughter
Smith (WA)
Spratt
Stark
Stupak
Tanner
Teague
Thompson (MS)
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Young (AK)

NOES—267

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachus
Bartlett
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
DeGette
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Doggett
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Eshoo
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hoekstra
Holden
Hunter
Inslee
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Klein (FL)
Kline (MN)
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Minnick
Mitchell
Mollohan
Moran (KS)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Pallone
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Quigley
Radanovich
Rahall
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Scalise
Schiff
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Stearns
Stutzman
Sullivan
Sutton
Taylor
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Visclosky
Walden
Walz
Wamp
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Yarmuth
Young (FL)

NOT VOTING—20

Bachmann
Barrett (SC)
Berry
Brown (SC)
Brown-Waite, Ginny
Buchanan
z
Buyer
DeFazio
Delahunt
Fallin
Granger
Hastings (FL)
Inglis
Marchant
McMorris Rodgers
Meek (FL)
Miller, Gary
Putnam
Rogers (MI)
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1736

Mr. BISHOP of New York changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. BONNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 79, not voting 21, as follows:

[Roll No. 607]

AYES—333

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Culberson
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Eshoo
Etheridge
Farr
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inslee
Israel
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kaptur
Kildee
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Reed
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Space
Speier
Spratt
Stearns
Stutzman
Sullivan
Sutton
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waxman
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOES—79

Ackerman
Baca
Becerra
Bishop (GA)
Brady (PA)
Brown, Corrine
Butterfield
Carson (IN)
Chu

Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
Edwards (MD)
Ellison
Engel
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson
Green, Al
Grijalva
Gutierrez
Hinchey
Hinojosa
Hirono
Honda
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kanjorski
Kennedy
Kilpatrick (MI)
King (NY)
Lee (CA)
Levin
Lewis (GA)
Lowey
Maloney
McDermott
Meeks (NY)
Melancon
Moore (KS)
Moore (WI)
Nadler (NY)
Napolitano
Ortiz
Pastor (AZ)
Payne
Rangel
Reyes
Richardson
Roybal-Allard
Rush
Salazar
Scott (GA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Stark
Stupak
Tanner
Thompson (MS)
Towns
Velázquez
Waters
Watson
Watt
Weiner
Woolsey
Young (AK)

NOT VOTING—21

Bachmann
Barrett (SC)
Berry
Boyd
Brown (SC)
Brown-Waite, Ginny
Buchanan
Buyer
DeFazio
Delahunt
Fallin
Granger
Hastings (FL)
Inglis
Issa
Marchant
McMorris Rodgers
Meek (FL)
Miller, Gary
Putnam
Shuler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1753

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Will the gentleman from New York (Mr. RANGEL) kindly appear in the well.

By its adoption of House Resolution 1737, the House has resolved—that Representative CHARLES B. RANGEL of New York be censured; that Representative CHARLES B. RANGEL forthwith present himself in the well of the House for the pronouncement of censure; that Representative CHARLES B. RANGEL be censured with the public reading of this resolution by the Speaker; and that Representative RANGEL pay restitution to the appropriate taxing authorities or the U.S. Treasury for any unpaid estimated taxes outlined in Exhibit 066 on income received from his property in the Dominican Republic and provide proof of payment to the Committee.

IN RESPONSE TO ADOPTION OF HOUSE RESOLUTION 1737

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

Mr. RANGEL. I fully recognize that constitutionally this body has the full jurisdiction to determine the conduct of one of its Members. My predecessor suffered because they didn't allow him to be a Member before they decided that he should be expelled. But notwithstanding that, we do know that we are a political body; and even though it is painful to accept this vote, I am fully aware that this vote reflects perhaps the thinking not just of the Members but the political tide and the constituency of this body.

Having said that and having my opportunity to do what I wanted to do initially, and, that is, to make certain that this body and this country would know that at no time has it ever entered my mind to enrich myself or to do violence to the honesty that's expected of all of us in this House. I think that has been proven, and that has been what I have been asking for. That's why I have admitted to mistakes and was prepared to do what I have done.

I understand that this is a new criteria and a breakthrough in order to teach somebody a higher lesson than those that in the past have done far more harm to the reputation of this body than I. But I just would want all of you to know that, in my heart, I truly feel good. It's not all the commitments that I made to God in 1950. A lot of it has to do with the fact that I know in my heart that I am not going to be judged by this Congress, but I am going to be judged by my life, my activities, my contributions to society. I just apologize for the awkward position that some of you are in. But at the end of the day, as I started off saying, compared to where I've been, I haven't had a bad day since. Thank you.

SUPPORTING AMERICAN DIABETES MONTH

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1690) supporting the observance of American Diabetes Month, as amended.

The Clerk read the title of the resolution.

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

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

A motion to reconsider was laid on the table.

□ 1800

COMMERCIAL ADVERTISEMENT LOUDNESS MITIGATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 2847) to regulate the volume of audio on commercials.

The Clerk read the title of the bill.

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

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

A motion to reconsider was laid on the table.

COMMENDING THE NATO SCHOOL

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 527) commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, as amended.

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

A motion to reconsider was laid on the table.

COMMENDING THE MARSHALL CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 528) commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL HOMELESS PERSONS' MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 325) supporting the goals and ideals of National Homeless Persons' Memorial Day.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. PETERS) that the House suspend the rules and agree to the concurrent resolution.

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

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. SERRANO. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 7, 2010, for morning-hour debate.

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

There was no objection.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 2, 2010.

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

DEAR MADAM SPEAKER: On December 2, 2010, the Committee on Transportation and Infrastructure met in open session to consider three resolutions for the U.S. Army Corps of Engineers, in accordance with 33

U.S.C. 542. The resolutions authorize Corps surveys (or studies) of water resources needs and possible solutions. The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Enclosures.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

Docket 2826

Chesapeake Bay and Maryland Coastal Bays, Delaware, Maryland, and Virginia

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report on the Chesapeake Bay Study, dated September 1984, and other pertinent reports, to determine whether any modifications of the recommendations contained therein are advisable at the present time in the interest of watershed planning, environmental restoration, coastal erosion control, and improvement of water quality in the vicinity of the Chesapeake Bay and Maryland Coastal Bays, Delaware, Maryland, and Virginia.

Adopted: December 2, 2010

ATTEST: James L. Oberstar
JAMES L. OBERSTAR
CHAIRMAN

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

Docket 2827

Chesapeake Bay Shoreline Erosion, Maryland, Pennsylvania, and Virginia

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army, in carrying out the study for the Chesapeake Bay Shoreline Erosion, Maryland, Pennsylvania, and Virginia, being carried out under the Committee Resolution of the Committee on Environment and Public Works of the United States Senate, adopted May 23, 2001, shall determine the feasibility of carrying out projects on federally owned property for shoreline protection, environmental restoration, and improvement of water quality in the vicinity of the Chesapeake Bay, Maryland, Pennsylvania, and Virginia.

Adopted: December 2, 2010

ATTEST: James L. Oberstar
JAMES L. OBERSTAR
CHAIRMAN

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

RESOLUTION

Docket 2828

Hoosic River Watershed, Massachusetts, Vermont, and New York

Resolved by the Committee on Transportation and Infrastructure of the United States House of Representatives, That the Secretary of the Army review the report on the Hoosic River Basin at North Adams in Massachusetts, Bennington in Vermont and Hoosick Falls in New York authorized in House Document 182, Seventy-sixth Congress, First Session, as well as other pertinent reports, to determine whether modifications of the recommendations therein are advisable in the interest of environmental restoration, streambank stabilization, flood risk management, watershed management, floodplain management, and other allied purposes in the Hoosic River Watershed, Massachusetts, Vermont and New York.

Adopted: December 2, 2010

ATTEST: James L. Oberstar
JAMES L. OBERSTAR
CHAIRMAN

There was no objection.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations:

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, December 2, 2010.

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

DEAR MADAM SPEAKER: On December 2, 2010, the Committee on Transportation and Infrastructure met in open session to consider 17 resolutions to authorize appropriations for the General Services Administration's (GSA) FY 2011 Capital Investment and Leasing Program, including seven alteration resolutions (authorizing $354.1 million), one design resolution (authorizing $51.2 million), six construction resolutions (authorizing $1,639.5 million), and three lease resolutions (authorizing $20.6 million per year). The Committee adopted the resolutions by voice vote with a quorum present.

Enclosed are copies of the resolutions adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Enclosures.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROJECTS
VARIOUS BUILDINGS
PFP-2011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to upgrade, replace, and improve life safety features and fire protection systems in Government-owned buildings during fiscal year 2011, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROJECTS
VARIOUS BUILDINGS

Prospectus Number: PFP-2011

Program Summary

This prospectus proposes alterations to upgrade, replace, and improve life safety features and fire protection systems in government-owned buildings during Fiscal Year 2011. Projects in Federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested in this prospectus is for a diverse set of retrofit projects with engineering solutions to reduce fire and life safety hazards. Typical projects include the following:

- Replacing antiquated fire alarm and detection systems that are in need of repair or for which parts are no longer available.
- Installing emergency voice communication systems to facilitate occupant notification and/or evacuation.
- Installing and/or expanding fire sprinkler coverage to protect Federal property.
- Constructing additional or enclosing existing exit stairs to ensure timely evacuation of buildings in the event of an emergency.

Justification

GSA periodically assesses all facilities using technical professionals to identify hazards and initiate correction or risk-reduction protection strategies to assure that no aspect of our buildings' design or operation presents a risk to GSA personnel, occupant agencies, or the general public. Completion of these proposed projects will improve the overall level of life safety and fire protection in GSA-controlled Federal buildings nationwide.

Authorization Requested.....$20,000,000

GSA PBS

PROSPECTUS - ALTERATION
FIRE PROTECTION AND LIFE SAFETY PROJECTS
VARIOUS BUILDINGS

Prospectus Number: PFP-2011

Certification of Need

Over the years a number of life safety and fire protection issues have been identified that need to be addressed in order to reduce fire risk. The proposed program is the best solution to meet a validated Government need.

Submitted at Washington, DC. on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS
PEW-2011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to implement energy and water retrofit and conservation measures in Government-owned buildings during fiscal year 2011, at a proposed cost of $20,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2011

Program Summary

GSA proposes the implementation of energy and water retrofit and conservation measures, as well as high performance energy projects, in government-owned buildings during fiscal year 2011.

The Energy and Water Conservation Measures program is designed to reduce on-site energy consumption, through building alteration projects or retrofits of existing buildings systems. These projects are an important part of GSA's approach to reducing energy consumption in the existing inventory, to reach mandated percentage reduction goals through 2015.

Projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size, by location, and by delivery method. This prospectus requests authority to fund energy and water retrofit work, geothermal and other High-Performance Green Building retrofit work, as well as designs for new facilities that incorporate these technologies. The authority requested in this prospectus is for a diverse set of design and retrofit projects with engineering solutions to reduce energy or water consumption and/or costs.

Justification:

The Energy Policy Act of 2005 (Public Law 109-58) required a 2% energy usage reduction as measured in BTU/GSF per year from 2006 through 2015 over a 2003 baseline. Additionally, this act sets a mandate to install advanced meters for electricity in all buildings by 2012. Guidance issued by the Department of Energy pursuant to this requirement states that savings anticipated from advanced metering can range from 2% to 45% annually when used in combination with continuous commissioning efforts. Executive Order 13423 on Strengthening Federal Environmental, Energy, and Transportation Management concerning energy consumption reduction, was incorporated into law as the Energy Independence and Security Act of 2007. Both increased the energy reduction mandates to 3% per year, and the Executive Order also established a water reduction mandate of 2% per year based on a 2007 baseline as measured in gallons/gsf.

By the year 2015, all Federal agencies are directed to reduce overall energy use in buildings they operate by 30 percent from 2003 levels and reduce overall water use by 16 percent from 2007 levels. Increased energy and water efficiency in buildings and operations will require capital investment for changes and modifications to physical systems which consume energy and water, as well as other high performance green building initiatives and infrastructure designs and retrofits.

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2011

Justification: (continued)

In addition, the Energy Independence and Security Act of 2007 (EISA) included provisions that exceed the requirements of the Energy Policy Act of 2005. One such long-term requirement is to eliminate fossil fuel-generated energy consumption in new and renovated Federal buildings by FY 2030 by achieving targeted reductions beginning with projects designed in FY 2010. Other shorter-term measures include increasing the use of solar hot water heating (to 30%); installation of advanced meters for water and gas (previously only electricity was covered); and broader application of energy efficiency in all major renovations.

Approval of this FY 2011 request will enable GSA to continue to provide leadership in energy/water conservation and efficiency to both the public and private sectors.

Authorization Requested.....$20,000,000

Potential projects to be accomplished in Federal buildings throughout the country are currently being identified through surveys and studies, along with potential new designs. The projects to be funded will have positive savings-to-investment ratios, will provide reasonable payback periods, and may generate rebates and savings from utility companies and incentives from grid operators. Projects will vary in size by location and by delivery method. Typical projects include the following:

- Upgrading heating, ventilating, and air-conditioning (HVAC) systems with new, high efficiency systems including the installation of energy management control systems.
- Altering constant volume air distribution systems to variable air flow systems by the addition of variable air flow boxes, fan volume control dampers, and related climatic controls.
- Installing building automation control systems, such as night setback thermostats and time clocks, to control HVAC systems.
- Installing automatic occupancy light controls, lighting fixture modifications, and associated wiring to reduce the electrical consumption per square foot through the use of higher efficiency lamps and use of non-uniform task lighting design.
- Installing new or modifying existing temperature control systems.
- Replacing electrical motors with multi-speed or variable-speed motors.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2011

- Installing and caulking storm windows and doors to prevent the passage of air and moisture into the building envelope.
- Providing advanced metering projects which enable building managers to better monitor and optimize energy performance.
- Providing and implementing water conservation projects.
- Providing renewable projects including photovoltaic systems, solar hot water systems, and wind turbines.
- Providing distributed generation systems.
- Designing new facilities to conform to EISA and to incorporate these new technologies.
- Designing new facilities to incorporate other sustainable, green building technologies, such as solar power, wind power, green roofs, and photovoltaic techniques.
- Drilling to install vertical and horizontal geothermal loops.
- Installing heat pumps and other types of geothermal equipment.
- Installing building insulation and seals to enhance equipment performance and reduce the size and energy consumption of geothermal and other energy-efficient equipment.
- Installing new or modifying existing green building materials.
- Installing wastewater recycling processes for use on lawns, in toilets, and for washing cars.
- Insulating roofs, pipes, HVAC duct work, and mechanical equipment.
- Installing other green building technologies such as hot water heat recycling, renewable heating systems, seasonal thermal storage systems, and solar air conditioning, green roofs, and cool roofs.

GSA PBS

PROSPECTUS - ALTERATION
ENERGY AND WATER RETROFIT AND CONSERVATION MEASURES PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PEW-2011

Certification of Need:

It has been determined that the practical solution to achieving the identified building energy and water management goals is to proceed with the energy and water retrofit and conservation work indicated above.

Submitted at Washington, DC, on May 13, 2010

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
WELLNESS AND FITNESS PROGRAM
VARIOUS BUILDINGS
PHW-2011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness during fiscal year 2011, at a proposed cost of $7,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that procurements executed pursuant to this authority include minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010

James L. Oberstar, M.C.
Chairman

PROSPECTUS - ALTERATION
WELLNESS AND FITNESS PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PHW-2011

Program Summary

The General Services Administration (GSA) proposes alterations to upgrade, replace, and improve space within Government-owned buildings in support of employee wellness in fiscal year 2011. Projects in Federal buildings throughout the country are currently being identified through surveys and studies and will vary in size, location, and delivery method. The authority requested is for a diverse set of upgrade/modernization projects which will provide improved facilities for developing employee fitness and health. Typical projects include:

- Fitness center upgrades to include design and construction for improved layouts more focused on wellness and expansion needed to accommodate increased use.
- Cafeteria and snack bar upgrades and alterations to include new equipment, changes in layout to allow for changes in menu and food preparation, and product placement opportunities.
- Health unit upgrades and alterations required for expansion of services and support.

Justification

On May 12, 2009, President Obama met with Chief Executive Officers from several major corporations to discuss their initiatives to improve employee health and reduce health care costs through worksite wellness and other initiatives. Following that meeting, he requested that the Office of Personnel Management (OPM), Office of Management and Budget (OMB), National Economic Council (NEC), and the Department of Health and Human Services (HHS) explore the development of similar programs for the Federal workforce.

GSA is currently working to develop a model for the Federal wellness campus concept in designated locations around the country. GSA's responsibility for this campus effort is to develop a prototype that showcases a building amenities program in support of government-wide efforts to improve employee health and fitness. These efforts encompass employee programs such as education and assistance, along with building amenities such as fitness centers, cafeterias, and health unit programs.

GSA facilities support over one million Federal employees nationwide and are the location for wellness programs across the country. These facilities house fitness centers, food service programs, health units, and child care centers, thereby helping support Federal employees to balance their lives. GSA plays a key role if wellness programs are to succeed.

This request will provide upgrades to a number of GSA Federal buildings to accommodate wellness improvements.

GSA PBS

PROSPECTUS - ALTERATION
WELLNESS AND FITNESS PROGRAM
VARIOUS BUILDINGS

Prospectus Number: PHW-2011

Authorization Requested.....**$7,000,000**

Certification of Need

It has been determined that the practical solution to achieving the identified wellness goals is to proceed with the wellness program work described above.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA
PCA-0198-LA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the build-out of space for the Department of State's Consular Affairs Office and Internal Revenue Service, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA, at a proposed total cost of $11,039,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA

Prospectus Number: PCA-0198-LA11
Congressional District: 28

Project Summary

The General Services Administration (GSA) proposes the build-out of space for the Department of State's Consular Affairs Office and IRS, and roof replacement at the James C. Corman Federal Building at 6230 Van Nuys Boulevard, Van Nuys, CA. This work is essential to the long-term positioning of this asset and it provides an excellent accommodation for the State Department relocation required for the repair and alteration of the Wilshire Federal Building.

Major Work Items

Roof replacement, exterior enclosure, interior construction, mechanical, fire protection, electrical repairs, demolition, and hazardous materials abatement.

Project Budget

Design and Review	$894,000
Estimated Construction Cost (ECC)	9,541,000
Management and Inspection (M&I)	604,000
Estimated Total Project Cost (ETPC)*	**$11,039,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design and ECC) $11,039,000

Prior Authority and Funding - None

Prior Prospectus-Level Projects in Building (past 10 years): - None

Schedule	**Start**	**End**
Design	FY2011	FY2012
Construction	FY2012	FY2012

Building

Located in the heart of the Van Nuys Civic Center, the James C. Corman Federal Building rises four stories and measures approximately 231,000 gross square feet. It is a mid-twentieth century, precast concrete and stone clad office building with a basement and both indoor and outdoor parking.

PROSPECTUS - ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA

Prospectus Number: PCA-0198-LA11
Congressional District: 28

It is in close proximity to several other municipal and Federal buildings, including Van Nuys City Hall, the Northwest District Superior Court, the Van Nuys State Office Building, the Van Nuys Branch Library, the Marvin Braude Constituent Service Center, and the Los Angeles Police Department.

Tenant Agencies
Department of the Treasury is the major tenant, while other tenants include Bureau of Alcohol, Tobacco, Firearms, and Explosives; US Army Corps of Engineers; Defense Contract Audit Agency; GSA-Federal Acquisition Service; Federal Bureau of Investigation; GSA-Public Buildings Service; Consular Affairs; and United States Postal Service.

Proposed Project
This project proposes the build-out of 29,266 usable square feet of space for the Department of State Los Angeles Passport Office and 27,312 useable square feet of space for the IRS, and the replacement of the roof. Structural, mechanical, electrical, fire protection, interior, exterior enclosure, and hazardous material abatement work undertaken is incidental to the tenant improvements.

Major Work Items

Roof replacement	$1,034,000
Tenant improvements	5,421,000
Exterior enclosure	240,000
Interior construction	477,000
Mechanical	579,000
Fire protection	130,000
Electrical	1,016,000
Demotion & abatement	644,000
Total ECC	**$9,541,000**

Justification
State Department Consular Affairs Passport office and IRS require improvements to meet their requirements, and the roof is deteriorated beyond repair. Passport is a newly assigned tenant relocating from 11000 Wilshire Blvd making way for the FBI expansion; IRS is a current Corman FB tenant that requires new space in exchange for giving up its current space to Passport. Passport requires the existing IRS space in order to meet its mission visibility and accessibility to the public. The roof is aged, deteriorated, and leaking and needs replacement for acceptable long-term service.

GSA PBS

PROSPECTUS - ALTERATION
JAMES C. CORMAN FEDERAL BUILDING
VAN NUYS, CA

Prospectus Number: PCA-0198-LA11
Congressional District: 28

Summary of Energy Compliance

This project is designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design.

Recommendation
ALTERATION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

February 2010

Housing Plan
James C. Corman Federal Building

Los Angeles CA
PCA-0198-LA11

Location	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total
James C. Corman Federal Building														
Bureau of Alcohol, Tobacco, Firearms and Explosives	10	10	4,522			4,522	6,227	10	10	4,522			4,522	6,227
Department of Army-Corps of Engineers	31	31	6,795		794	7,589	10,451	31	31	6,795		794	7,589	10,451
Department of Army	8	8	627			627	863			0			0	0
Internal Revenue Service	167	167	26,442	870		27,312	37,612	167	167	26,442	870		27,312	37,612
Federal Bureau of Investigation	2	2	1,243			1,243	1,712	2	2	1,243			1,243	1,712
General Services Administration	1	1	340	158		656	686	1	1	340	158		498	686
Office of the Secretary of Defense	24	24	3,913			3,913	5,389	24	24	3,913			3,913	5,389
State Department-Bureau of Consular Affairs	0	0	0			0	0	100	100	29,266			29,266	40,303
US Postal Service	80	80	13,505			13,505	18,598	80	80	13,505			13,505	18,598
Vacant			26,390	3,318	2,440	32,148	44,272			2,461	2,800		5,261	7,245
Joint Use			1,678	195	1,070	2,943	4,053			386		805	1,191	1,640
Total:	**323**	**323**	**85,455**	**4,541**	**4,304**	**94,300**	**129,864**	**415**	**415**	**88,873**	**3,828**	**1,599**	**94,300**	**129,864**

Special Space	
Conference/Class	805
Physical Fitness	794
Total:	**1,599**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA
PCA-0213-RI11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a multi-phase repair and alteration project for the Frank Hagel Federal Building at 1221 Nevin Avenue, Richmond, CA, at a proposed total cost of $221,670,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA

Prospectus Number: PCA-0213-R111
Congressional District: 07

Project Summary

The General Services Administration (GSA) proposes a multi-phase repair and alteration project for the Frank Hagel Federal Building (FHFB) located at 1221 Nevin Avenue, Richmond, CA. The FHFB serves as the regional headquarters for the Social Security Administration (SSA).

Major Work Items

Interior construction; exterior construction; repair/replacement of HVAC, electrical, plumbing systems; demolition and hazardous materials abatement; fire/life safety upgrades; roof replacements and security upgrades.

Project Budget

Design and Review	
Design (FY2011 Request)	$20,945,000
(Design and Review) Subtotal	20,945,000
Estimated Construction Cost (ECC)	
Phase I Construction (FY2011 Request)	$80,575,000
Phase II (Future Year Request)	36,600,000
Phase III (Future Year Request)	57,350,000
(ECC) Subtotal	174,525,000
Management and Inspection (M&I)	
Phase I (FY2011 Request)	$12,100,000
Phase II (Future Year Request)	5,500,000
Phase III (Future Year Request)	8,600,000
(M&I) Subtotal	26,200,000
Estimated Total Project Cost (ETPC)*	**$221,670,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested

(Design, and Phase I, II, and III ECC, and M&I) $221,670,000

FY 2011 Funding Request

(Design, Phase I Construction and M&I) $113,620,000

GSA PBS

PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA

Prospectus Number: PCA-0213-R111
Congressional District: 07

Prior Authority and Funding:
None

Prior Prospectus-Level Projects in Building (past 10 years):
None

Schedule	Start	End
Design		
Phase I	FY2011	FY2013
Phase II	FY2011	FY2013
Phase III	FY2011	FY2013
Construction		
Phase I	FY2011	FY2014
Phase II	TBD	TBD
Phase III	TBD	TBD

Building

The Frank Hagel Federal Building, constructed in 1975, is located at 1221 Nevin Avenue within the downtown central business area of Richmond, California. The approximately 619,000 gross square foot building consists of six stories with a one story basement. The building has an auditorium, childcare center and both secured structured and surface parking. The building serves as the regional headquarters for SSA who has been the sole tenant agency of FHFB since its construction.

Tenant Agencies
Social Security Administration

Proposed Project
The proposed project is planned as a three phase project with each phase designed as a stand-alone project. The full project will address insufficient seismic resistance, and base building deficiencies along with a total realignment of the building layout and includes HVAC, electrical, and life safety/fire alarm upgrades, along with roof replacement, blast protection, security improvements, waterproofing, and the removal of hazardous materials. SSA will maintain operations in the building during construction. To facilitate the phasing aspects of the project, approximately 17 percent of the staff or 33 percent of the space will be temporarily relocated to off-site lease space and temporary modular buildings on site at the beginning of the construction of Phase I. The building will maintain this vacancy throughout the project until its completion. Upon project completion, staff will then re-occupy in the space.

PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA

Prospectus Number: PCA-0213-R111
Congressional District: 07

As a significant portion of the proposed scope involves the seismic retrofit of the building, construction must be sequenced beginning in the basement and progress floor by floor to the sixth floor. Shear walls will be added at the basement and first floor levels with all column/beam connections throughout the building being upgraded. The upgrades to the columns requires both connection from below, accessed through the ceiling plenum, and from above, which will require removal of a portion of the slab above, including ducts to reinforce these connections. The installation of the connection upgrades and the associated demolition of the interior space will determine the phasing plan sequencing.

Phase I consists of a design-build seismic retrofit and tenant space realignment for the basement and first floors as well as the design for Phases II and III. Phase I construction also includes the relocation and construction of the computer center to a water resistant structure in the basement; repair and replacement of the roof system over the main building, auditorium, child care and penthouse; replacement of plaza waterproof membrane and associated plaza repairs; reconfiguration of impacted ductwork; improvements to the fire/life safety infrastructure including stairwell pressurization and modification of sprinkler system and installation of fire alarm devices; and installation of energy saving motion sensor controlled and/or photocell sensor controlled advanced lighting system and wiring. Security improvements including the application of anti-blast film to windows, installation of anti-ram bollards, boulders and planters and security devices will also be undertaken.

Phase II construction consists of space realignment and seismic retrofit for the second and third floors. Phase III construction consists of realignment and seismic retrofit for floors four through six. These phases also include interior construction, repairs/replacements of the HVAC, electrical, life safety, and plumbing systems along with the removal and abatement of hazardous materials and the application of anti-blast film to the windows.

GSA PBS

PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA

Prospectus Number: PCA-0213-R111
Congressional District: 07

Major Work Items

Interior Construction	$39,426,500
Exterior Construction	32,828,000
Repair/Replace HVAC	27,750,000
Demolition and Abatement	23,100,000
Repair/Replace Electrical	22,410,000
Fire/Lifesafety Upgrades	12,530,000
Replace Roofing	7,570,000
Security Upgrades	5,940,500
Repair/Replace Plumbing	2,970,000
Total ECC	**$174,525,000**

Justification

The Frank Hagel Federal Building is of high importance to SSA since it serves as both the regional headquarters and a major processing facility. Execution of the proposed work will address known deficiencies, extend the useful life of the building and provide a more productive and safer work environment for the employees. Combining space realignment with the seismic and building systems work minimizes disruption to the agency's mission and also minimizes overall cost to the government.

Since its construction in 1975, the tower building has not undergone any significant major renovations except for an auditorium seismic retrofit in 1991, a child care center addition and building systems repair (waterproofing, exterior sitework, security and elevator) that was completed in 1996. SSA operations have continued to expand and evolve resulting in operating groups being inefficiently spread across a floor and/or multiple floors. The current configuration of workstations within the building is haphazard, creating wasted space and confusing circulation, which could become a major life safety issue. The realignment of the building space will allow for the accommodation of the anticipated growth in personnel, absorb the new functions assigned to the SSA regional office, allow for the reconfiguration of space to correct the current layout inefficiencies, and eliminate the need for acquisition of additional space outside of the Federal Building.

Existing membranes and sealants at the basement, plaza, roof and exterior are leaking in multiple locations and in need of repair and/or replacement. This permits water intrusion into the building effecting interior space with continued leakage over critical electrical equipment.

PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA

Prospectus Number: PCA-0213-RI11
Congressional District: 07

The electrical and communication distribution on the office floors occurs through the ducts and many of the main ducts are overfilled. The pressure of rolling carts and heavy foot traffic has caused circuit breakers to trip. The HVAC system is deficient from current standards in a number of areas which results in equipment replacement due to age and condition beyond its useful life. The replaced equipment will support the mandated energy reduction and LEED certification.

The project also provides the opportunity to upgrade the fire alarm/life safety and plumbing systems, undertake the necessary security upgrades including blast protection, and remove the existing asbestos containing materials and lead based paint that exist throughout the building.

Summary of Energy Compliance

This project will be designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet Congressionally-required energy efficiency and performance requirements in effect during design.

Alternatives Considered (30-year, present value cost analysis)

New Construction	$219,936,000
Alteration	$217,926,000
Lease	$247,274,000

The 30 year, present value cost of alteration is $2,010,000 is less than the cost of new construction, an equivalent annual cost advantage of $123,000.

GSA PBS

PROSPECTUS - ALTERATION
FRANK HAGEL FEDERAL BUILDING
RICHMOND, CA

Prospectus Number: PCA-0213-RI11
Congressional District: 07

Recommendation
ALTERATION

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

February 2010

Housing Plan
Frank Hagel Federal Building

PCA-0213-RI11
Richmond, CA

	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
Locations	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
FRANK HAGEL FEDERAL														
Social Security Administration	1,554	15,554	289,794	16,264	82,081	**388,139**	**534,599**	1,666	1,666	271,055	16,977	100,087	**388,119**	**534,599**
Total:	**1,554**	**15,554**	**289,794**	**16,264**	**82,081**	**388,139**	**534,599**	**1,666**	**1,666**	**271,055**	**16,977**	**100,087**	**388,119**	**534,599**

Special Space	
Clinic	1,623
Physical Fitness	3,984
Child Care	10,647
Conference	53,791
Auditorium	9,037
ADP	8,440
Food Service	4,741
Light Industrial	7,824
Total:	**100,087**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN
PIN-1703-IN11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for an alteration of the Major General Emmett J. Bean Federal Center at 8899 East 56th Street, Indianapolis, IN, at a proposed total cost of $46,426,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that the Administrator of General Services is authorized to undertake design and construction of only those security features which will bring the Major General J. Bean Federal Center and grounds into compliance with the security standards promulgated by the Interagency Security Committee.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Project Summary

The General Services Administration (GSA) proposes an alteration of the Major General Emmett J. Bean Federal Center (Bean FC) at 8899 East 56th Street in Indianapolis, IN to provide Defense Department (DOD) security requirements, building and site improvements, and additional parking.

Major Work Items

Site work, security upgrades, and common area improvements

Project Budget

Design and Review Cost (Design) (FY 2009)	$6,080,000
Estimated Construction Cost (ECC)	60,224,000
Management and Inspection (M&I)	5,589,000
Estimated Total Project Cost (ETPC)*	**$71,893,000**

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (ECC & M&I) **$65,813,000**

Prior Authority and Funding

Under the American Recovery and Reinvestment Act (ARRA) of 2009, Congress appropriated $4.5 billion for GSA to transition selected existing Federal buildings to high performance green buildings (HPGB). GSA allocated $36,650,000 for the Bean Building. Funds of $6,080,000 are devoted for the design of this project. The remaining $30,570,000 is for the design, construction, and management and inspection of the installation of a photovoltaic cell roof system.

Prior Prospectus-Level Projects in Building (past 10 years) - None

Schedule	Start	End
Design	FY 2009	FY 2011
Construction	FY 2011	FY 2014

PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Building

The Bean FC is a three-story 1,660,353 gross-square-foot concrete and masonry office building with a basement, a detached daycare center, and 3,154 inside and outside parking spaces on 72 acres at 8899 East 56th Street in Indianapolis, IN. Constructed in 1953 by DOD as a records storage facility at Fort Benjamin J. Harrison military base, the Bean FC was fully modernized and converted to an office building in 2003. DOD fully funded the modernization through a reimbursable work authorization agreement with GSA. Upon closure of Fort Harrison due to the BRAC Act in 1995, the building was transferred to GSA.

Tenant Agencies

The major tenant is the Defense Financing & Accounting Service.

Proposed Project

This project proposes: the construction of building security features, site improvements, parking additions, and interior common area improvements, including the construction of a truck dock, a barricade wall, a sallyport, and a temporary parking area; relocation of the mail and trash rooms, and building air intake ports; anchoring of equipment: upgrading of security devices; installation of blast-resistant windows, concrete security bollards, and a security fence; alteration of the fire alarm, and paving of the truck dock access.

Additionally, the project proposes: the construction of new and rebuilt parking lots, site access roads, a maintenance building, and a food service space; the installation of walkway and parking lighting, courtyard and site landscaping, a stormwater drainage system with equipment housing structure, a rainwater reuse system, food service equipment, parking area signage, security features, and artwork; reworking of parking lighting; grading of the site; upgrading of common areas; and the rebuilding of the mailroom.

Major Work Items

Expansion of Parking Capacity and Site Work	$28,934,000
DoD Security Upgrades	19,387,000
Common Area Improvements	11,903,000
Total ECC	**$60,224,000**

PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Justification

DOD currently requires its agencies to occupy space that meets its Unified Facilities Criteria DOD Minimum Antiterrorism Standards for Buildings (UFC 4-010-01). The facility must comply with the standards before DFAS, the building's largest tenant, with over one million square feet of space, will commit to continued occupancy of the building.

On November 9, 2005, Congress approved the recommendation of the Base Realignment and Closure Commission to consolidate DFAS operations at select locations throughout the country. As a result, the Major General Emmett J. Bean Center has absorbed staffs and functions of several DFAS locations around the country. From 2007 to 2009, approximately 1,700 additional employees relocated to the Bean FC. The additional personnel resulted in the need for expanded support areas and parking to avoid crowded working conditions and limited site access.

The current stormwater drainage is deficient, leading to water backups and debris blockage, a condition that would worsen with the runoff from the installation of new parking surfaces under this proposed project.

Summary of Energy Compliance

The project will integrate and implement sustainable design principles and energy efficiency effort where possible into both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

Alternatives Considered (30-year, present value cost analysis)

New construction $683,951,000
Alteration $381,236,000
Lease $615,425,000

The 30-year, present value cost of alteration is $234,189,000 less than the cost of lease, an equivalent annual cost advantage of $14,377,000.

Recommendation
ALTERATION

GSA PBS

PROSPECTUS - ALTERATION
MAJOR GENERAL EMMETT J. BEAN FEDERAL CENTER
INDIANAPOLIS, IN

Prospectus Number: PIN-1703-IN11
Congressional District: 07

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

February 2

Housin
Major General Emmett J. Bean Federal Center

PIN IN-11
Indianapolis, IN

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
Bean Federal Center														
Army Reserve	2	2	25,641	-	-	**25,641**	**34,345**	2	2	25,641	-	-	**25,641**	**34,563**
Defense Contract Audit Agency	-	-	5,712	-	-	**5,712**	**7,654**	-	-	5,712	-	-	**5,712**	**7,702**
Defense Financing & Accounting Service	5,235	5,235	835,353	27,750	33,455	**896,558**	**1,192,602**	5,235	5,235	835,353	27,750	33,455	**896,558**	**1,200,156**
Defense Logistics Agency	100	100	9,922	-	-	**9,922**	**13,290**	100	100	9,922	-	-	**9,922**	**13,374**
Department Of Army	330	330	60,315	1,906	6,472	**68,693**	**92,011**	330	330	60,315	1,906	6,472	**68,693**	**92,594**
DoD Def Cont Mgt Agy - National	15	15	11,910	-	-	**11,910**	**15,953**	15	15	11,910	-	-	**11,910**	**16,054**
DoD Inspector General	45	45	9,993	-	-	**9,993**	**13,385**	45	45	9,993	-	-	**9,993**	**13,470**
Federal Acquisition Service	1	1	100	-	-	**100**	**134**	1	1	100	-	-	**100**	**135**
Food And Nutrition Service	7	7	965	-	-	**965**	**1,293**	7	7	965	-	-	**965**	**1,301**
GSA Outleased Space	9	9	3,269	-	1,067	**4,336**	**5,814**	9	9	3,269	-	1,067	**4,336**	**5,851**
Joint Use	-	-	24,186	13,276	27,511	**64,973**	**87,062**	-	-	24,186	13,276	27,511	**64,973**	**87,613**
Military Enlistment Processing Command	75	75	27,700	-	3,216	**30,916**	**41,411**	75	75	27,700	-	3,216	**30,916**	**41,673**
Public Buildings Service, Field Offices	18	18	4,627	6,434	128	**11,189**	**14,987**	18	-	4,627	6,434	128	**11,189**	**15,082**
USA Criminal Investigation Command	28	28	1,442	-	-	**1,442**	**1,931**	28	28	1,442	-	-	**1,442**	**1,943**
USA Hq Army Ren Cmd	3	3	1,826	-	2,720	**4,546**	**6,089**	3	3	1,826	-	2,720	**4,546**	**6,128**
USA Nat Guard Bur	50	50	11,931	-	315	**12,246**	**16,402**	50	50	11,931	-	315	**12,246**	**16,506**
USDA NAD	1	1	351	-	-	**351**	**470**	1	1	351	-	-	**351**	**473**
Vacant Unassigned Space	-	-	18,449	341	-	**18,790**	**34,030**	-	-	18,449	341	-	**18,790**	**34,245**
Total:	**5,919**	**5,919**	**1,053,692**	**49,707**	**74,884**	**1,178,283**	**1,578,863**	**5,919**	**5,901**	**1,053,692**	**49,707**	**74,884**	**1,178,283**	**1,588,863**

Special Space	
Restroom	4,267
Clinic	1,284
Physical Fitness	4,381
Child Care	5,818
Conference	3,265
Auditorium	10,887
ADP	23,797
Food Service	20,574
Other - Vaults	611
Total:	**74,884**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY
PNY-0351-NY11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, at a proposed total cost of $28,000,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Project Summary

The General Services Administration (GSA) proposes alterations to the Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, NY, that will restore space for use by the Courts upon the vacation by the District judges. In support of the building-wide modernization project currently underway for the Thurgood Marshall Courthouse, New York, NY, it was necessary to relocate Probation and Pretrial Services from the Moynihan Courthouse to leased swing space to provide temporary chambers for the District judges from the Marshall Courthouse. When the District judges move back into the Marshall Courthouse in 2012, approximately 138,000 rentable square feet (rsf), will be vacant in the Moynihan Courthouse. In addition, GSA will address entrance security and screening.

Major Work Items

Demolition, interior alterations, security and entrance screening, HVAC, fire and life safety measures, and electrical replacement.

Project Budget

Design and Review	$2,031,000
Estimated Construction Cost (ECC)	22,000,000
Management and Inspection (M&I)	3,969,000
Estimated Total Project Cost (ETPC)*	**$28,000,000**

* Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested (Design, ECC and M&I) $28,000,000

Funding Requested (ETPC) $28,000,000

Prior Authority and Funding

None

Prior Prospectus-Level Projects in Building (past 10 years):

None

Schedule	Start	End
Design and Construction	FY 2011	FY 2014

PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Building

The Moynihan Courthouse is a 27-story, 933,715 gross square foot building located at 500 Pearl Street in lower Manhattan. Upon its completion in 1994, it was the largest Federal courthouse in the nation. The building has 29 district judge courtrooms, 14 magistrate judge courtrooms, a special courtroom for mega trials and ceremonies, and 42 chambers. It offers state-of-the-art telecommunications, energy-efficient lighting, heating and air-conditioning..

Tenant Agencies

Judiciary and GSA

Proposed Project

Temporary judges' chambers were constructed and other spaces throughout the building were modified to accommodate the District judges and other Court-related agencies from the Marshall Courthouse. The original tenants, Probation and Pretrial Services, were temporarily relocated to leased space in the Woolworth Building at 233 Broadway, New York, NY. The proposed project includes the demolition, retrofit, and realignment of space in order to meet the Courts' current needs. In addition, due to revised space requirements for the Courts, three new additional District chambers will be constructed. Finally, GSA will address entrance security and screening.

Major Work Items

Demolition	$1,371,000
Interior Alterations	7,932,000
Security/Enhanced Screening	5,511,000
HVAC	4,121,000
Electrical Replacement	1,865,000
Fire and Life Safety	1,200,000
Total ECC	**$22,000,000**

Justification

The proposed alterations will allow for the recapture of approximately 138,000 rsf of vacated space in the Moynihan Courthouse after the District judges return to the Marshall Courthouse. Ongoing costs to the Government include additional rental expenses as long as Probation and Pretrial Services remain in their temporary leased space.

PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Summary of Energy Compliance

This project will integrate and implement sustainable design principles and energy efficiency effort as seamlessly as possible into all aspects of both the design and construction process. The goal is to obtain certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

Alternatives Considered (30-year, present value cost analysis)

There are no feasible alternatives to this project.

Recommendation

ALTERATION

GSA PBS

PROSPECTUS - ALTERATION
DANIEL PATRICK MOYNIHAN U.S. COURTHOUSE
NEW YORK, NY

Prospectus Number: PNY-0351-NY11
Congressional District: 08

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

DESIGN
FEDERAL BUILDING/PARKING GARAGE
11000 WILSHIRE BOULEVARD
LOS ANGELES, CA
PDS-02011

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of alterations for the Federal Building/Parking Garage at 11000 Wilshire Boulevard, Los Angeles, CA, at a proposed cost of $51,217,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – ALTERATION
Prospectus for Design

Description
The General Services Administration (GSA) is seeking authorization for design projects during fiscal year 2011 that we will schedule for construction in future years. Project descriptions are attached.

Justification
By seeking authority to start the design for projects prior to construction phase funding, an orderly and timely accomplishment of a planned program is ensured. Under the separate funding approach, we will submit construction prospectuses for each project along with the budget requests.

Included are projects for improvements to building and safety systems, remodeling and recapture of vacant space, security upgrades, hazardous materials abatement, building exterior repairs, and seismic strengthening.

Recommendation
Authorize design for $96,453,000 for the projects attached. The construction costs indicated at this time are preliminary and will be refined and finalized prior to future requests for funding.

Authority Requested in this Prospectus.....$96,453,000

Certification of Need

The proposed projects are the best solutions to meet validated Government needs.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

GSA PBS

PROSPECTUS – ALTERATION
Prospectus for Design

FISCAL YEAR 2011 ALTERATION DESIGN PROJECTS
(Alphabetical by State)

LOCATION	FY 2011 FUNDING
Los Angeles, CA	
Federal Building Complex (11000 Wilshire Boulevard)	$51,217,000
San Diego, CA	
Edward J. Schwartz Federal Building & U.S. Courthouse	$22,336,000
Washington, DC	
Elijah Barrett Prettyman U.S. Courthouse	$22,900,000
TOTAL	**$96,453,000**

GSA PBS

PROSPECTUS – ALTERATION
Prospectus for Design

Prospectus Number: PDS-02011
Congressional District: 30

PROJECT: Federal Building/Parking Garage (11000 Wilshire Boulevard)

LOCATION: Los Angeles, CA

ESTIMATED TOTAL PROJECT COST:	$627,557,000
DESIGN:	$51,217,000
CONSTRUCTION:	$527,000,000
MANAGEMENT & INSPECTION:	$49,340,000
AMOUNT REQUESTED IN FY2011 (Design):	$51,217,000

WORK ITEMS SUMMARY:
Seismic retrofit and blast-resistance upgrades, exterior construction, roof replacement, clean and repair exterior, interior construction, replacement of HVAC/electrical/plumbing systems, fire and life safety upgrades, elevator upgrades, and hazardous materials abatement.

DESCRIPTION:
The Federal Building Complex, located at 11000 Wilshire Boulevard in the Westwood area of Los Angeles is comprised of four buildings totaling approximately 725,000 gross square feet. The complex incorporates a 17-story office tower, two ancillary buildings connected to the office tower, and a parking garage. The proposed project will renovate the 561,559 gross square foot U.S. Federal Building and the 192,192 gross square foot parking garage. The Federal Bureau of Investigation (FBI) is the primary occupant.

Since the attacks of September 11, 2001, and the subsequent enactment by Congress on October 24, 2001 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, the FBI has grown in size and has incorporated new programs and assumed new operational responsibilities. Over the past several years, the FBI offices and operations in the Los Angeles, CA, area have grown significantly in their response to increasing concerns about national security, occupying six locations across the Los Angeles area.

The amount of office and related space has not kept pace with the significant growth in personnel and technical and investigative/operational needs. Local offices of the FBI are overcrowded, constraining normal office operations and the amount of support and special space is also inadequate for the designated functions and unable to support new programs. The decentralized critical functions and the inability to expand has fractured organization, supervisory oversight and information management and coordination.

PROSPECTUS – ALTERATION
Prospectus for Design

Continued occupancy of the Federal Building allows for the utilization of an existing asset, the avoidance of costly lease payments, and minimal disruption to FBI operations. The proposed project will allow FBI to expand by consolidating various lease locations into one building at the 11000 Wilshire Federal Building and occupy all facilities on site with the exception of the existing U.S. Post Office and GSA Field Office. All other building tenants will be permanently relocated allowing for swing space during construction. The expansion space that will become available through the renovation of 11000 Wilshire Boulevard will address the anticipated growth in requirements over the next ten years.

Repair and alteration of the Federal Building complex is urgently needed due to the age and condition of the facilities. Most building systems will be replaced and the entire Federal Building will undergo significant structural seismic and blast-resistance upgrades and energy efficiency measures. Construction is to be accomplished in three phases. A future site enhancement prospectus proposal will address long-term site use, security and other parameters.

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
U.S. COURTHOUSE
SALT LAKE CITY, UT

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that pursuant to 40 U.S.C. § 3307, appropriations are authorized for the management and inspection costs and construction costs of the U.S. courthouse, Salt Lake City, UT, not to exceed 409,397 gross square feet (including inside parking), at a combined cost of $185,700,000, a fact sheet for which is attached to and included in this resolution.

Provided, that the Administrator of General Services shall ensure that the Salt Lake City, Utah courthouse contains no more than 10 courtrooms.

Provided further, that the Administrator of General Services shall ensure that the courtroom sharing policies approved by the Judicial Conference in September 2008 for senior District Judges and in March 2009 for Magistrate Judges are utilized in the design and construction of the Salt Lake City, Utah courthouse;

Provided further, that the Administrator of General Services shall require that any excess space not allocated to courtroom or other court-related use in the Salt Lake City, Utah courthouse shall be used to provide office space to Executive Branch agencies that are not ancillary or related to the Federal judiciary;

Provided further, that the Administrator of General Services shall submit a prospectus for any additional expansion space, after completion of construction and occupancy of the Salt Lake City, Utah courthouse, for court or other court-related use requested in such courthouse;

Provided further, that prior to acceptance of the Guaranteed Maximum Price (GMP), the Administrator of General Services shall advise the Committee on Transportation and Infrastructure of the House of Representatives of the number of courtrooms, chambers, court space, and other agency space to be provided in the entire Salt Lake City, Utah courthouse complex (including the Moss Courthouse);

Provided further, that no additional funds, beyond the GMP, in effect on the date of this resolution, for the construction of the Salt Lake City, Utah courthouse, as of the adoption of this resolution, shall be authorized or obligated for this project;

Provided further, that prior to the design of the Moss Courthouse renovation, the Administrator of General Services shall provide the Committee on Transportation and Infrastructure of the House of Representatives a report on the optimal housing plan for the courts, including recommendations about the preferred asset management strategy, with accompanying economic analyses of alternatives for the Moss Courthouse as: a Federal building and courthouse; a Federal building without a court presence; or a plan to reposition the Moss Courthouse out of Federal ownership;

Provided further, that to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project;

Provided further, that within 180 days of adoption of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for the project, and if such systems are not used for the project, the specific rationale for GSA's decision.

Provided further, that beginning on July 19, 2006, the Judicial Conference of the United States shall specifically approve each departure from the *U.S. Courts Design Guide* for each U.S. courthouse construction project which results in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated costs (as supplied by GSA) of such departure for each U.S. courthouse construction project to GSA. Each U.S. courthouse construction prospectus submitted by GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate should approve such departure.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010

Description

This project involves the construction of a 409,397 gross square foot Courthouse (CT), including 101 inside parking spaces, in Salt Lake City, UT. The CT will be constructed to meet the 10-year space needs of the District Court and court-related agencies and the site will accommodate the 30-year expansion requirements. The Judiciary's Five-Year Plan, which reflects construction priorities approved by the Judicial Conference, includes a courthouse in Salt Lake City, UT.

Project Summary

Site Information

Acquired ..... 4.5 acres

Building Area

Gross Square Feet (excluding inside parking) 357,524
Gross Square Feet (including inside parking) 409,397

Project Budget

Site (FY97, FY02, FY03, FY07)	$28,024,000
Design (FY97, FY03, FY07)	12,640,000
Management and Inspection	8,700,000
Estimated Construction Cost ($432/gsf including parking)	177,000,000
Estimated Total Project Cost	**$226,364,000**

House Authorization Requested

(ECC and M&I) $185,700,000

Senate Authorization Requested

(ECC and M&I) $185,700,000

GSA PBS

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010

Description

This project involves the construction of a 409,397 gross square foot Courthouse (CT), including 101 inside parking spaces, in Salt Lake City, UT. The CT will be constructed to meet the 10-year space needs of the District Court and court-related agencies and the site will accommodate the 30-year expansion requirements. The Judiciary's Five-Year Plan, which reflects construction priorities approved by the Judicial Conference, includes a courthouse in Salt Lake City, UT.

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Senate Authorization Requested

(ECC and M&I) $185,700,000

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010

Schedule

FY 2007	Additional Site and Design
FY 2010	Construction
FY 2013	Occupancy

Overview of Project

The new CT will provide 13 courtrooms and 16 chambers to accommodate 16 judges (5 active district, 4 senior district, 4 magistrate, and 3 bankruptcy) and the U.S. Marshals Service. When complete, the new CT will provide for the 10-year space requirements of the U.S. District Court in Salt Lake City, UT. The site will accommodate the 30-year space requirements of the court.

Tenant Agencies

The new CT will house the District Court, Probation and the U.S. Marshals Service. The Public Defender Service and U.S. Attorneys Office will have trial preparation space.

Delineated Area

The site is located in the Central Business District of Salt Lake City, UT, adjacent to the existing Moss CT.

Justification

The Moss CT, constructed in 1905, is listed on the National Register for Historic Places as a part of the Exchange Place Historic District and has been maintained in good condition. It consists of five stories and a basement and contains 234,288 gross square feet of space. The building's primary tenants are the U.S. Courts and U.S. Marshals. However, the building is structurally unable to meet the U.S. Courts Design Guide (USCDG) minimum standards for district courtrooms and does not provide for secure prisoner circulation (sallyport, elevators, corridors and courtroom holding cells).

In addition, space needs for support services are also expected to grow. The number of deputy clerks will increase from 30 to 57 for the District Court and from 43 to 95 for the Bankruptcy Court. Other court-related activities such as the Probation Office, Pretrial Services, U.S. Attorney, U.S. Marshals, will all need significant amounts of additional space.

Explanation of Changes

The square footage for the proposed project is based on design drawings rather than pre-design programmatic formulas used previously.

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010

The proposed project is 79,500 gsf larger than currently authorized by the House Committee on Transportation and Infrastructure. Inside parking accounts for 34,273 gsf of the increase due to an increase of 57 in the number of inside parking spaces from 44 to 101 and an increase in the standard per car from 400 to 450. The building excluding parking increased 45,228 gsf. Judiciary space increased 40,132 gsf including increases for the District Court (27,298 gsf including one additional magistrate courtroom and chambers and assignable circulation), Bankruptcy Court (2,945 gsf - this is a tunnel connection from the CT to Moss CT), Circuit Library (9,222 gsf), and Probation (678 gsf), with a decrease for Federal Public Defender (-11 gsf). Non-judiciary space decreased 4,781 gsf including increases for U.S. Attorney (2,674 gsf), U.S. Marshal Service (1,623 gsf), and DHS/FPS (1,178 gsf previously included in GSA space), and decreases for GSA (-1,758 gsf), and Joint Use (-8,498 gsf). Vertical penetrations, mechanical space and circulation account for 9,877 gsf.

The proposed project is 40,951 gsf larger than currently authorized by the Senate Committee on Environment and Public Works. Inside parking accounts for 6,423 gsf of the increase. Judiciary space increased 23,595 gsf including increases for the District Court (18,277 gsf primarily due to assignable circulation), Bankruptcy Court (2,945 gsf – this is a tunnel connection from the CT to Moss CT), Probation (1,675 gsf) and the Circuit Library (709 gsf). Federal Public Defender decreased (-11 gsf). Non-judiciary space increased 724 gsf including increases for the U.S. Marshal Service (3,618gsf),

U.S. Attorney (458 gsf), and DHS/FPS (1,178) and decreases for GSA (-2,462 gsf) and Joint Use (-2,068 gsf). Vertical penetrations, mechanical space and circulation account for 10,206 gsf.

The estimated total project cost (ETPC) of the proposed project reflects an increase of $111,310,000 from the ETPC of the project currently authorized by the House Committee (which is the result of program growth, construction escalation, lost design effort, additional site costs and changes in the projected start of construction from FY 2004 to FY 2011). The ETPC reflects an increase of $40,945,000 from the ETPC of the project currently authorized by the Senate Committee (which is the result of program growth, construction escalation, lost design effort, additional site costs and changes in the projected start of construction from FY 2004 to FY 2011).

The project complies with the requirement in the House Transportation and Infrastructure Committee resolution dated July 19, 2006, that one courtroom be provided for every two senior district judges.

FACTSHEET
U.S. COURTHOUSE
SALT LAKE CITY, UT
July 23, 2010

Space Requirements of the U.S. Courts

	Current		Request	
	Courtrooms	Judges	Courtrooms Annex	Judges
District				
- Active	4	5	5	5
- Senior	3	4	2	4
Magistrate				
- Active	3	4	3	4
Bankruptcy				
- Active	3	3	3**	3**
Total:	**13***	**16**	**13**	**16**

*Only 1 courtroom meets the minimum USCDG standards for district courtrooms. Four other meet minimum standards for magistrate or bankruptcy.

**The courthouse as designed envisions 14 courtrooms and 16 chambers. One district and two magistrate courtrooms and chambers will be temporarily assigned to the bankruptcy judges during the renovation of the Moss Courthouse. A temporary chamber will be constructed in lieu of the 14th district courtroom. The renovation is planned to start after the completion of the Annex and is expected to last approximately 3 years. The use of these courtrooms and chambers provides $7.9 million in lease cost avoidance.

Prior to the design of the Moss Courthouse renovation, GSA shall provide the Committee a report on the optimal housing plan for the courts. This report shall identify GSA's housing plan for the Courts in Salt Lake City. It shall include recommendations about the preferred asset management strategy for the Moss Courthouse and whether or not the Moss Courthouse should continue to be a courthouse and federal building, a federal building without a courts presence or should the building be repositioned out of federal ownership.

Summary of Energy Compliance

This project is designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA
PCA-BSC-CA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the reconfiguration and expansion of the existing land port of entry in downtown Calexico, CA, at management and inspection costs of $28,119,000 and estimated construction costs of $246,344,000, for a combined cost of $274,463,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: **December 2, 2010**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Description

The General Services Administration (GSA) proposes reconfiguration and expansion of the existing land port of entry (LPOE) in downtown Calexico, CA. The project includes new pedestrian processing and privately owned vehicle (POV) inspection facilities, a new headhouse to provide supervision and services to the non-commercial vehicle inspection area, new administration offices and a parking structure. The expanded facilities will occupy both the existing inspection compound and the site of the former commercial inspection facility, decommissioned in 1996 when commercial traffic was redirected to the newly completed LPOE six miles east of downtown Calexico.

Project Summary

Site Information

Government Owned ..... 13.5 acres
To Be Acquired ..... 4.0 acres

Building Area

Building (including canopies) ..... 260,410 gsf
Building (excluding canopies and inside parking) ..... 106,605 gsf
Outside parking spaces[1] 76
Structured parking spaces 264

Cost Information

Site Development Cost[2] $164,238,000
Building Costs (includes inspection canopies) ($315/gsf) $82,106,000

[1] Parking configuration has changed from that stated in Prospectus No. PCA-BSD-CA10. Additional southbound lanes will displace surface parking stalls and require construction of a parking deck. Therefore, the prospectus realigns the number of outside spaces and structured spaces.

[2] Site development costs include grading, utilities, paving, extensive fill work for soil stabilization, and demolition of existing facilities.

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Project Budget

Site Acquisition

Site Acquisition (FY 2007)	$2,000,000
Additional Site Acquisition (FY 2010)	3,000,000
Total Site Acquisition	**$5,000,000**

Design

Design (FY 2007)	$12,350,000
Additional Design (FY 2010)	6,437,000
Total Design	**$18,787,000**

Estimated Construction Cost (ECC)

Phase I	$78,462,000
Phase II (future fiscal year request)	167,882,000
Total ECC	**$246,344,000**

Management and Inspection (M&I)

Phase I	$5,897,000
Phase II (future fiscal year request)	22,222,000
Total M&I	**$28,119,000**

Estimated Total Project Cost (ETPC)* **$298,250,000**

* Tenant agencies may fund an additional amount for alterations above the standard normally provided by GSA.

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Authorization Requested
(Phases I & II ECC; Phases I & II M&I) ..... $274,463,000[3]

Funding Requested (Phase I ECC; Phase I M&I) $84,359,000

Prior Authority and Funding

- The House Committee on Transportation and Infrastructure authorized $14,350,000, including $2,000,000 for site acquisition and $12,350,000 for design, on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized $9,437,000, including $3,000,000 for additional site acquisition and $6,437,000 for additional design on November 5, 2009.
- The Senate Committee on Environment and Public Works authorized $14,350,000 for site acquisition and design on May 23, 2006.
- The Senate Committee on Environment and Public Works authorized $9,437,000 for additional site acquisition and design on February 4, 2010.
- Through Public Law 110-5, GSA's Spending Plan included $14,350,000 for site acquisition and design.
- Through Public Law 111-117, Congress appropriated $9,437,000 in FY 2010 for additional site acquisition and design.

[3] GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOE's). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development since these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified elements of each of these programs to be implemented at this port.

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Schedule	Start	End
Design	FY 2007	FY 2010
Construction		
Phase I	FY 2011	FY 2013
Phase II	TBD	TBD

Overview of Project

The existing LPOE is a pedestrian and vehicle inspection facility constructed in 1974. It comprises a main building and a decommissioned commercial inspection building. The project includes the creation of new pedestrian and POV inspection facilities, and expansion of the port onto the site of the former commercial inspection facility. The commercial inspection operation was moved to Calexico East in 1996. Primary POV inspection facilities will include 16 northbound inspection lanes, five southbound inspection lanes, and a parking structure. There will be new administration space, a new headhouse, and 32 secondary inspection stations serving both northbound and southbound traffic.

The project will be constructed in two phases. Phase I will consist of ten northbound POV inspection lanes, a headhouse and site work necessary to accommodate those facilities on the sloping site. Phase II will consist of the balance of the project, including additional site work, a pedestrian processing facility, administrative offices, five southbound POV inspection lanes, six additional northbound POV inspection lanes and the parking structure.

Tenant Agencies

Defense–Joint Mexican-U.S. Commission; Department of Homeland Security–Animal Plant Health Inspection Service; Customs and Border Protection; Immigration and Customs Enforcement; United States Department of Agriculture–Food Safety and Inspection; State Department–Consular Affairs.

Location

The site is located at the existing LPOE in Calexico, CA at 200 First Street.

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Justification

On an average day, over 16,000 privately operated vehicles and 20,000 pedestrians enter the U.S. through this LPOE. The existing facilities are undersized relative to existing traffic loads and obsolete in terms of inspection officer safety and border security. The space required to accommodate modern inspection technologies is not available in the existing facility. When completed, the project will provide the port operation with adequate operational space, reduced traffic congestion, and a safe environment for port employees and visitors.

Summary of Energy Compliance

The Calexico LPOE project will be designed to conform to the requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

Alternatives Considered

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

Recommendation

CONSTRUCTION

GSA PBS

PROSPECTUS - CONSTRUCTION
U.S. LAND PORT OF ENTRY
CALEXICO, CA

Prospectus Number: PCA-BSC-CA11
Congressional District: 51

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

September 2009

Housing Plan
US Land Port of Entry

PCA-BSC-CA11
Calexico, CA

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
US BORDER STATION														
DHS - Customs & Border Protection	155	155	31,569	31,455	10,169	73,193	98,042	479	479	30,947	4,213	184,222	219,382	239,675
DHS - APHIS	10	10	1,708	1,008	771	3,487	4,864	0	0	657	165	1,600	2,422	2,847
Department of Army	0	0	0	0	0	0	0	2	2	660	0	0	660	784
DHS - Immigration And Customs Enforcement	0	0	0	0	0	0	0	35	35	6,913	0	0	6,913	8,210
Public Bldgs Service, Field Office	0	0	0	0	0	0	0	1	1	2,157	0	0	2,157	2,562
SD Consular Affairs	0	0	0	0	0	0	0	0	0	0	0	125	125	148
Joint Use	0	0	2,180	0	796	2,976	4,151	0	0	0	0	720	720	855
Total:	**165**	**165**	**35,457**	**32,463**	**11,736**	**79,656**	**107,057**	**517**	**517**	**41,334**	**4,378**	**186,667**	**232,379**	**255,081**

Special Space	
Laboratory	1,600
Holding Cell	11,379
Restroom	5,136
Physical Fitness	990
Conference	3,780
ADP	1,040
Vehicle Lift	336
Inspection Canopy	153,805
Control Booth	995
Vaults	400
Interview Rooms	1,605
Break Rooms	990
Lockers	3,780
Sallyport	491
Secured Elevator	176
Hazmat Shower & Eyewash	64
Telephone Room	100
Total:	**186,667**

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

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COMMITTEE RESOLUTION

CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY
CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISTION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC
PDC-0002-WA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, additional appropriations are authorized for the consolidation of the Department of Homeland Security headquarters at St. Elizabeths West Campus, Washington, DC, for an additional combined estimated project cost of $1,149,406,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that no new pedestrian tunnels shall be constructed between the East Campus and West Campus of St. Elizabeths.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

Description

The Department of Homeland Security (DHS) is consolidating its headquarters in the National Capital Region (NCR). DHS's current facilities are dispersed across more than 40 locations in the NCR, which is adversely impacting critical communication, coordination, and cooperation across DHS's many components. A unified, secure campus that brings together DHS's executive leadership and operational management will enable more efficient and effective execution of DHS's incident management and command-and-control functions.

In accordance with the final Master Plan approved by the Commission of Fine Arts (CFA) on November 20, 2008 and by the National Capital Planning Commission (NCPC) on January 8, 2009, GSA proposes to develop a secure facility for DHS at St. Elizabeths, a National Historic Landmark. DHS's program will be housed on both the West Campus and East Campus but will function as one unified campus. This new complex will also result in significant taxpayer savings in the long run.

St. Elizabeths West Campus was transferred to the General Services Administration (GSA) from the Department of Health and Human Services (HHS) in 2004. It was identified as the best GSA-controlled site in the District of Columbia (DC) to meet DHS's minimum consolidation requirement of approximately 4.5 million gross square feet (gsf) of office and related space and parking in a secure setting on an acceptable timetable.[1] GSA proposes a phased development strategy beginning with the construction of the United States Coast Guard (USCG) headquarters as outlined below. In conjunction with the development of the site for use as the national headquarters of DHS, GSA has begun and proposes to continue repairing and upgrading the existing infrastructure on a phased basis in tandem with the development of St. Elizabeths. GSA also proposes site acquisitions to enhance access to the site and to mitigate traffic impacts to the local community as outlined in the Record of Decision dated December 16, 2008. There will also be a GSA field office on the campus.

[1] The approved Master Plan places up to 750,000 gsf and parking on the St. Elizabeths East Campus that is owned by the District of Columbia (DC). GSA is working closely with DC on this portion of the DHS headquarters consolidation.

PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

The goal of the infrastructure portion of this project is to prepare St. Elizabeths for redevelopment as a Federal facility by providing a reliable infrastructure that will serve the needs of tenants for many years. The infrastructure will support the overall development and will be timed with the development phases. Its overall scope includes planning, repairs, security and historic preservation mitigation included in the Programmatic Agreement for the undertaking executed on December 9, 2008.

GSA also needs to acquire portions of adjacent sites as part of the overall development of the West Campus. The final Master Plan approved by the National Capital Planning Commission (NCPC) is based, in part, on GSA's ability to construct an access road from Firth Sterling Avenue, S.E., through the site and into National Park Service (NPS) land that will connect to an interchange to be modified at Malcolm X Avenue S.E., and Interstate-295. To develop the access road GSA must first acquire land from DC and CSX Corporation along Firth Sterling Avenue, S.E., northwest of the West Campus (funding appropriated in Fiscal Year 2009). Second, GSA needs to acquire a portion of historic parkland from NPS. This land, known as Shepherd Parkway, S.E. is required to provide access to Malcolm X Avenue, S.E. to the south of the West Campus. Third, GSA needs to acquire land from DC along the western border of St. Elizabeths East Campus to provide a left turn lane into the West Campus from northbound Martin Luther King, Jr. Avenue. (Note: Funding for Shepherd Parkway and St. Elizabeths East Campus was appropriated by Public Law 111-5, the American Recovery and Reinvestment Act of 2009 (ARRA).) All of these purchases are necessary to develop additional access points to the West Campus to mitigate the increased traffic generated by the new Federal campus. It should be noted that the planned impact to the historic Shepherd Parkway falls under the requirements of The Department of Transportation Act (DOT Act) of 1966, Section 4(f) - which stipulates that the Federal Highway Administration (FHWA) and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless: 1) there is no feasible and prudent alternative to the use of land, and 2) the action includes all possible planning to minimize harm to the property resulting from use. FHWA is working closely with GSA and NPS to comply with these requirements. As a result of this project, it is anticipated that NPS will require mitigation to offset impacts to Shepherd Parkway. A request for authority and funding for those mitigations will be included in future requests.

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Overview of Project

GSA seeks funding for acquisition, infrastructure, and development of St. Elizabeths for the development of the Department of Homeland Security Headquarters at St. Elizabeths Campus. The West Campus is a 176–acre National Historic Landmark that includes 70 existing buildings containing approximately 1.2 million gsf of existing space. The portion of the DHS program to be housed on the East Campus will require the development of approximately 8 acres of land with supporting infrastructure and access to ensure that the Headquarters facility operates as one secure campus. GSA also requests funding for the balance of design of Development Phase 3 which includes significant presence of the Transportation Security Administration (TSA), Customs and Border Protection (CBP), and Immigration and Customs Enforcement (ICE). Infrastructure requirements do not require authorization. Furthermore, GSA seeks authorization for all remaining aspects of acquisition and development including a portion of the East Campus to be developed for FEMA headquarters. Infrastructure requirements (Sections I and III of this prospectus) do not require authorization.

As noted above, the Commission of Fine Arts (CFA) approved the Master Plan on November 20, 2008 and the National Capital Planning Commission (NCPC) approved it on January 8, 2009. The site will be developed in accordance with guidelines set out in the Master Plan.[1]

Authorization and appropriation for Phase 1 of the project – construction of a new headquarters facility for the USCG – has already been obtained. This prospectus proposes the construction of a new headquarters facility for DHS and FEMA in two phases. Development Phase 2-a includes construction of office space to consolidate DHS headquarters and the NOC and provide amenity space; Phase 2-b proposes the construction of a new headquarters facility for FEMA plus amenity space. Parking will also be included with both sub phases. Development Phase 3 will accommodate remaining elements of DHS headquarters units, that is, primarily significant presences of the TSA, CBP, and ICE plus a liaison presence of other DHS elements such as the Secret Service that will not be relocating to St. Elizabeths. The project will include existing space rehabilitated and updated to current building standards plus construction of new space. GSA seeks funding in Fiscal Year 2011 for design funds (Infrastructure including Highway Interchange plus the balance of Phase 3), management and inspection funds (Phase 2-a and Infrastructure), and construction (Phase 2-a and Infrastructure). Funds for historic preservation mitigation are also sought.

[1] The Master Plan can be found at the project's web site: http://www.stelizabethswestcampus.com/

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Project Phasing

Phase 1-a	USCG – HQ:	Coast Guard Headquarters
Phase 1-b	USCG – CC:	Coast Guard Command Center/shared use space/GSA Field Office
Phase 2-a	DHS:	Headquarters
Phase 2-a	NOC:	National Operations Center
Phase 2-b	FEMA:	Headquarters
Phase 3	TSA:	Transportation Security Administration HQ – significant presence
	CBP:	Customs and Border Protection HQ – significant presence
	ICE:	Immigration and Customs Enforcement HQ – significant presence

Project Summary

Site Information	
Government-owned	176 acres
Building without parking (gsf)[1]	up to 4,535,000
Building with parking (gsf)[2]	up to 6,016,900
Number of structured parking spaces [3]	up to 4,234

Cost Summary at St. Elizabeths	
Site Acquisition	11,000,000
Design and Review Cost	131,876,000
Management and Inspection	122,759,000
Estimated Construction Cost	1,903,758,000
Estimated Total Project Cost[4]	**$2,169,393,000**

[1] Based on Master Plan approved by CFA and NCPC.
[2] Based on 350 gsf per parking space including circulation.
[3] Parking spaces have been reduced by 1,073 as result of negotiation with the consulting parties during the master planning process.
[4] Does not include planning and stabilization costs of approximately $20 million.

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Fiscal Year 2011 Requirements

Design & Review (Infrastructure)	5,625,000
Design & Review (Development Phase 3)	17,000,000
Design & Review (Highway Interchange)	2,800,000
Management & Inspection (Development Phase 2-a)	13,135,000
Management & Inspection (Infrastructure)	16,094,000
Estimated Construction Cost (Development Phase 2-a)	237,540,000
Estimated Construction Cost (Infrastructure)	77,562,000
Estimated Construction Cost (Highway Interchange)	5,550,000
Estimated Mitigation (Historic Preservation)	4,990,000
Total Fiscal Year 2011 Funding Request	**$380,296,000**

Total Fiscal Year 2011 Project Authorization Request ..... $1,149,406,000[1]

Prior Authority and Funding

The funding history of the DHS consolidation is as follows:

- The House Committee on Transportation and Infrastructure authorized $24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on October 26, 2005.
- The Senate Committee on Environment and Public Works authorized $24,900,000 for design of the US Coast Guard HQ at St. Elizabeths on July 20, 2005.
- Through Public Law 109-115, Congress appropriated $24,900,000 for design of the US Coast Guard HQ at St. Elizabeths in FY2006.
- The House Committee on Transportation and Infrastructure authorized $383,997,000 for construction and management and inspection of the US Coast Guard HQ (Phase 1-a) and USCG Command Center and Amenity Use Space (Phase 1-b) at St. Elizabeths on April 5, 2006.
- The House Committee on Transportation and Infrastructure authorized $318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized $318,887,000 for design, review, management and inspection, and estimated construction costs for the St. Elizabeths West Campus on September 20, 2007.

[1] This represents the balance of the project less the remaining Infrastructure needed. The Infrastructure Program is not subject to the requirements of 40 U.S.C. Section 3307.

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Prior Authority and Funding (continued)

- The House Committee on Transportation and Infrastructure authorized $7,000,000 for site acquisition for the St. Elizabeths West Campus on May 23, 2007.
- The Senate Committee on Environment and Public Works authorized $7,000,000 for site acquisition for the St. Elizabeths West Campus on September 20, 2007.
- Through Public Law 109-115, Congress appropriated $13,095,000 in FY 2006 for infrastructure design, construction, and management and inspection.
- Through Public Law 110-5, Congress appropriated $6,444,000 in FY 2007 for additional infrastructure construction and management and inspection.
- Through Public Law 111-5, Congress appropriated $450,000,000 in FY 2009 for construction and development to consolidate the Department of Homeland Security headquarters in Washington, D.C.
- The House Committee on Transportation and Infrastructure authorized $525,236,000 for design, review, management and inspection, and estimated construction costs for the consolidation of the Department of Homeland Security headquarters at the St. Elizabeths West Campus in Washington, D.C. on September 24, 2008.
- The Senate Committee on Environment and Public Works authorized additional construction cost of $140,140,000 for the design and construction of DHS consolidation and development of the West Campus of St. Elizabeths Hospital in Washington, D.C. on September 17, 2008.
- Through Public Law 111-8, Congress appropriated $346,639,000 in FY 2009 for site acquisition, design and review, infrastructure and development construction, and management and inspection.

Primary Occupants

USCG, DHS Headquarters Elements, FEMA, NOC, TSA, CBP, ICE, and a liaison presence of other DHS elements not relocating to the St. Elizabeths Campus.

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INFRASTRUCTURE PROGRAM SUMMARY

Infrastructure repair/replacement costs include: demolition of specific buildings identified by the Master Plan; replacement of site utilities including electricity substations and local utility requirements; distribution systems for electricity, natural gas, domestic water, storm water, waste water, data systems and telecommunications; roadways, surface parking and sidewalks; refurbishment of historical landscape and creation of new landscape features including flora; cleanup / repair of existing tunnels on site to improve safety and for potential use as systems distribution pathways; and site security fencing, entry gates, guard stations, and other site security features.

The planned alterations are necessary to preserve, maintain, and reuse this historic site. Existing infrastructure and the landscape have suffered from aging and deferred maintenance. The utility distribution systems are antiquated and have deteriorated. Building repairs will remedy and improve structural and life-safety systems while maintaining historic integrity. The landscape will be maintained, protected, and preserved to the extent feasible.

Major Work Items for Infrastructure

Demolition	$16,816,000
Replace Telecommunication Systems	16,975,000
Replace Electric Systems	29,833,700
Replace Natural Gas Systems	1,092,000
Replace Water Systems	5,774,000
Replace Sanitary Sewer	2,389,300
Storm Water Management	12,063,000
Upgrade Selected Fire Systems	495,000
Repair Roads and Perimeter Wall	12,092,000
Site Perimeter Security	115,125,000
Exterior Road Construction	46,000,000
Repair Historical Landscape Features	30,428,000
Repair and Upgrade Exterior Lighting	1,480,000
Repair Underground Tunnels	400,000
Construct New Pedestrian Tunnels	9,631,000
Soil Remediation	2,000,000
Stabilize Selected Buildings	22,478,000
Total ECC	**$325,072,000**

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Total Infrastructure Project Budget

Design and Review	
Design and Review (FY2006) Phase 1-a	$7,645,000
Design and Review (FY2009) Phase 1-b	3,000,000
Design and Review (ARRA) Phase 1-b	15,846,000
Design and Review (ARRA) Phase 2-a	700,000
Design and Review (FY2011) Phase 2-b and Phase 3	5,625,000
Design and Review Subtotal	**$32,816,000**
Estimated Construction Cost (ECC)	
ECC (FY2006) Phase 1-a	$5,080,000
ECC (FY2007) Phase 1-a	5,912,000
ECC (FY2009) Phase 1-a	5,249,000
ECC (ARRA) Phase 1-b	165,525,000
ECC (FY2011) Phase 2-a	77,562,000
ECC (future year request) Phase 2-b and Phase 3	65,744,000
Estimated Construction Cost Subtotal	**$325,072,000**
Management and Inspection (M&I)	
M&I (FY2006) Phase 1-a	$370, 000
M&I (FY2007) Phase 1-a	532,000
M&I (ARRA) Phase 1-b	5,382,000
M&I (FY2011) Phase 2	16,094,000
M&I (future year request) Phase 3	13,884,000
M&I Subtotal	**$36,262,000**
Estimated Total Project Cost (ETPC) for Infrastructure	**$394,150,000**
FY2011 Funding Request (Design, ECC, and M&I)	**$99,281,000**

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SITE ACQUISITION PROGRAM SUMMARY

Delineated Areas for Site Acquisition

The proposed sites to be acquired are as follows:

1. Approximately two acres of land located on Firth Sterling Avenue in southeast Washington, DC; the land is currently controlled by DC and CSX Corporation.
2. Approximately one acre of land located along the east side of Martin Luther King, Jr. Avenue in southeast Washington, DC. The land is currently controlled by DC.
3. Approximately fourteen (14) acres of land located on Shepherd Parkway in southeast Washington, DC. The land is currently controlled by NPS.

Total Site Acquisition Project Budget

Site Acquisition (Firth Sterling Avenue, S.E.) (FY2009)	$7,000,000
Site Acquisition (Martin Luther King, Jr. Avenue, S.E.) (ARRA)	500,000
Site Acquisition (Shepherd Parkway) (ARRA)	3,500,000
Total Acquisition Budget	**$11,000,000**

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HIGHWAY INTERCHANGE PROGRAM SUMMARY

The Transportation Management Program that was developed as part of the Master Plan proposes an access road to the St. Elizabeths West Campus that extends between Firth Sterling Avenue to the north and Malcolm X Avenue to the south, parallel to Interstate 295. Construction of the access road is included in the Infrastructure program described above, but a new, reconfigured interchange between Malcolm X Avenue and Interstate 295 is not described. This reconfiguration will be necessary to direct St. Elizabeths traffic onto the access road that, in turn, will mitigate the impacts of additional traffic that is anticipated as the result of the redevelopment of St. Elizabeths.

Major Work Items for the Interchange

Mobilization/Surveying/Testing	3,050,000
Remove Existing Ramps	230,000
Construct New Ramps	2,864,000
Resurface and Reconstruction of Malcolm X Avenue	628,000
Traffic Signals	324,000
Retaining Walls	17,370,000
I-295 Widening	397,000
I-295 Bridge and Sidewalks	1,468,000
Maintenance of Traffic	2,296,000
Drainage/Signage/Striping and Related Work	4,591,000
Right of Way of 10 Acres	2,500,000
Total ECC	**$35,718,000**

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Total Highway Interchange Project Budget

Design and Review	
Design and Review (FY2011)	2,800,000
Design and Review Subtotal	**$2,800,000**
Estimated Construction Cost (ECC)	
ECC (FY2011) Right of Way	2,500,000
ECC (FY2011) Mobilization/Surveying/Testing	3,050,000
ECC (future year request) Construction	30,168,000
Estimated Construction Cost Subtotal	**$35,718,000**
Management and Inspection (M&I)	
M&I (future year request)	2,898,000
M&I Subtotal	**$2,898,000**
Estimated Total Project Cost (ETPC) for Highway Interchange	**$41,416,000**
FY 2011 Funding Request (Design and ECC)	**$8,350,000**

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HISTORIC PRESERVATION MITIGATIONS PROGRAM SUMMARY

As of December 9, 2008, GSA and DHS along with NCPC entered into a Programmatic Agreement (PA) with the Advisory Council on Historic Preservation (ACHP), the District of Columbia Historic Preservation Office (DCHPO), and the U.S. Federal Highway Administration (FHWA). The PA outlines five (5) specific mitigation actions that must be undertaken by GSA to "resolve adverse effects from certain complex project situations".[1] These actions are:

1. Documentation and recording including buildings and site, as needed, archives, historic structure reports, building preservation plans, landscape preservation treatment and management, and archaeological resources treatment and management;
2. Public outreach, interpretation, and education including the establishment of a citizens advisory panel, a permanent interpretative exhibit, a museum and visitors education center, signage, and public relations materials;
3. Public access program to be developed by GSA and DHS;
4. Conservation and artifact preservation; and
5. Maintenance of the 19th century cemetery including interpretative program, perpetual care, and public access.

GSA requires funding to accomplish these mitigation actions.

Major Work Items for Mitigation[2]

Archaeology	$700,000
Landscape	300,000
Education	365,000
Museum	1,600,000
Staffing	1,400,000
Other	625,000
Total	**$4,990,000**

Funding Request for FY2011 ..... **$4,990,000**

[1] Programmatic Agreement dated December 9, 2008, page 1.
[2] The total amount is included in ECC summarized on page 4 of this prospectus.

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DEVELOPMENT PROGRAM SUMMARY

PHASE 1-a – USCG Headquarters

Building Area Development Phase 1-a [1]

Office	1,049,000 gsf
Commandant's Suite/Situation Room [2]	12,100 gsf
Data Facility	25,800 gsf
Clinic	28,100 gsf
Meeting Facility	19,500 gsf
Child Care[3]	15,600 gsf
Food Services	6,100 gsf
Mail/Loading Dock/Security Operations/Lobby and Entrances	16,100 gsf
Law Library/Storage	7,200 gsf
Estimated Total Phase 1-a	**1,179,500 gsf**

Cost Information Development Phase 1-a

Design and Review (FY2006)	$24,900,000
Management and Inspection (M&I) (FY2009)	12,925,000
Estimated Construction Cost (ECC) (FY2009)	313,465,000
Estimated Total Cost Phase 1-a	**$351,290,000**

Schedule for Development Phase 1-a

FY 2009 Design Completion
FY 2009 Start Construction
FY 2013 Complete Construction for USCG Headquarters

[1] Square footage is based on USCG housing plan, approved Master Plan, and design documents.

[2] This is the Coast Guard's portion of the National Operations Center (NOC), the remainder of which is scheduled for construction in Phase 2-a.

[3] The scope of work has been refined since submission of PDC-0002-WA09, therefore the child care portion of the project has been transferred from Phase 1-b to Phase 1-a.

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PHASE 1-b – USCG Command Center and Amenity Space

Building Area Development Phase 1-b

Command and Communications Center	22,700 gsf
Marine Safety Center	27,200 gsf
Cafeteria (shared)	26,650 gsf
Shipping/Receiving/Mail/Warehouse	13,000 gsf
Fitness Center	25,000 gsf
Chapel/Training / Historian	18,300 gsf
Auditorium/Credit Union/Barber Shop/Dry Cleaner / Exchange	25,600 gsf
GSA Field Office[1]	20,800 gsf
Estimated Total Phase 1-b	**179,250 gsf**
Structured Parking (983 cars)[2]	up to 344,050 gsf

Cost Information Development Phase 1-b

Design and Review (ARRA)	$10,659,000
Management and Inspection (M&I) (ARRA)	15,674,000
Estimated Construction Cost (ECC) (ARRA)	167,513,000
Estimated Total Cost Phase 1-b	**$193,846,000**

Proposed Schedule for Development Phase 1-b

FY 2010 Design Completion
FY 2010 Start Construction
FY 2013 Complete Construction for Command Center and Amenity Space

[1] The field office is in addition to the USCG housing plan, not included with it, and is needed to be ready upon completion of Phase 1 and occupancy by USCG.
[2] Revised number of spaces based on Master Plan approved by CFA and NCPC.

GSA PBS

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PHASE 2-a – DHS Headquarters Elements and the NOC

Building Area Development Phase 2-a

Office for DHS Headquarters[1]	510,600 gsf
Central Utility Plant (CUP) Addition*	69,200 gsf
National Operations Center (including Operations Directorate)	320,000 gsf
Estimated Total Phase 2-a	**899,800 gsf**
Structured Parking (990 cars)	up to 346,500 gsf

Cost Information Development Phase 2-a

Design and Review Cost (FY2009)	$5,000,000
Design and Review Cost (ARRA)	11,300,000
Management and Inspection (M&I) (FY2011)	13,135,000
Estimated Construction Cost (ECC) (ARRA)	26,000,000
Estimated Construction Cost (ECC) (FY2011)	237,540,000
Estimated Total Cost Phase 2-a	**$292,975,000**

Proposed Schedule for Development Phase 2-a

FY 2011 – Design Completion
FY 2011 - Start Construction
FY 2014 - Complete Construction

FY2011 Funding Request (M&I and ECC) $250,675,000

* Infrastructure funds will be used to construct an addition to the existing power plant for a fully functional CUP with co-generation capability.

[1] This includes rehabilitation of the Center Building.

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PHASE 2-b – FEMA

Building Area Development Phase 2-b

Office for FEMA Headquarters on East Campus	717,500 gsf
Special Space for FEMA on East Campus	32,500 gsf
Amenity Space on West Campus	128,300 gsf
Estimated Total Phase 2-b	**878,300 gsf**
Structured Parking (775 cars)	up to 271,250 gsf
Structured Parking for Visitors (496 cars)	up to 173,600 gsf

Cost Information Development Phase 2-b

Design and Review Cost (ARRA)	17,401,000
Management and Inspection (M&I) (future year request)	11,865,000
Estimated Construction Cost (ECC) (future year request)	283,460,000
Estimated Total Cost Phase 2-b	**$312,726,000**

Proposed Schedule for Development Phase 2-b

FY 2012 Design Completion
FY 2012 Start Construction
FY 2014 Complete Construction

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PHASE 3 – TSA, CBP, and ICE

Building Area Development Phase 3

Office for CBP Headquarters	338,000 gsf
Office for ICE Headquarters	377,000 gsf
Office for TSA Headquarters	345,000 gsf
Office for DHS Liaison Elements	158,350 gsf
SCIF, Storage, IT, Other Special Space	179,800 gsf
Estimated Total Phase 3	**1,398,150 gsf**
Structured Parking (846 cars)	up to 296,100 gsf
Structured Parking for Visitors (144 cars)	up to 50,400 gsf

Cost Information Development Phase 3

Design and Review Cost (ARRA)	$10,000,000
Design and Review Cost (FY11)	$17,000,000
Management and Inspection (M&I) (future year request)	30,000,000
Estimated Construction Cost (ECC) (future year request)	510,000,000
Estimated Total Cost Phase 3	**$567,000,000**

Proposed Schedule for Development Phase 3

FY 2013 Design Completion
FY 2013 Start Construction
FY 2016 Complete Construction

FY 2011 Funding Request (Design) **$17,000,000**

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SHEPHERD PARKWAY MITIGATIONS PROGRAM SUMMARY

The expansion of the Malcolm X Avenue, S.E. interchange and construction of the access road from the interchange to the St. Elizabeths site will have an impact on Shepherd Parkway, public parkland under the control of the National Park Service (NPS). The extent of the impact has yet to be determined. Likewise, the extent of mitigation to address the impact has yet to be established, there GSA cannot yet determine the cost of such mitigation that will be incurred in a future year. These costs will be addressed in a future prospectus.

Justification

The major driving factors for this project include tenant need for secure and consolidated space, current department-wide demand for space in the NCR, lack of large Federal land sites remaining for development in DC, high-level security requirements, in addition the need to correct existing deficiencies and attend to deferred maintenance at St. Elizabeths. The proposed project will provide a cost-efficient alternative to leasing while preserving a National Historic Landmark.

Due to recent hiring, the USCG has outgrown its current primary headquarters at the Transpoint Building where it has been housed for more than 30 years. A lease prospectus was authorized in FY2006 to continue leasing this building until 2013 when the space at St. Elizabeths is expected to be ready for occupancy. Other USCG locations will also be included in this consolidation.

Elements of DHS (including USCG) are located in more than 6 million usable square feet of federally-owned and leased space throughout the NCR.[1] This has led to much operational inefficiency. DHS's mission requires an integrated approach but legacy facilities occupied by agencies merged into the department at dispersed locations do not maximize the department's effectiveness and efficiency. These issues are addressed in the DHS NCR Housing Master Plan dated October 2006.

A consolidated, secure campus would correct these deficiencies by collocating senior leadership, thereby fostering greater communication among the various departmental elements. Mission support functions can be realigned in other locations to improve functional and physical relationships. Direct benefits of locating at St. Elizabeths include enhanced communications, coordination, operational effectiveness, and physical security. Efficiencies can also be gained in direct support, shared services, and functional integration.

[1] Between 2007 and 2009, DHS personnel grew approximately 25%.

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The proposed consolidation should foster a "One DHS" culture thus enhancing the flow and fusion of information while optimizing prevention and response capabilities across the spectrum of operations.

Many agencies, including DHS, require the highest security protection levels available including deep setbacks, blast protection, and progressive collapse mitigation. The West Campus currently provides deep setbacks from neighboring properties and limited facility access, reducing the cost of other security requirements.

St. Elizabeths is the preferred site for this development. Other large federally owned sites in DC are not available, such as Public Reservation 13 for the DC General Hospital which is currently under development by DC. The Southeast Federal Center has been transferred to private ownership; this remainder of the former Navy Yard is planned for residential and retail development. The Armed Forces Retirement Home is being redeveloped under special legislation and is unavailable to GSA. The Walter Reed Army Medical Center site that is being disposed of under Base Realignment and Closure (BRAC) cannot be developed in time to meet DHS's schedule. The National Geospatial-Intelligence Agency site that is also being disposed of under BRAC does not contain enough developable space to meet DHS's requirements.

The site acquisition portion of this project will assist in the preparation of the West Campus for redevelopment as a secure Federal facility by providing additional means of ingress/egress to the site that will improve the traffic flow around the site and minimize the time delays entering and exiting the West Campus during peak hours. At full capacity, as many as 14,000 Federal workers will be housed on site, and as many as 4,234 vehicles (including 640 spaces for visitors) will require access. This is a 1:4 parking ratio for employees (one space for every 4 employees) but a 1:3 ratio for watch employees at the NOC and the security guard force. The proposed acquisition of land at Firth Sterling Avenue, S.E., will provide necessary additional access for USCG's proposed relocation of up to 3,860 employees. The proposed acquisition of land from DC's East Campus along Martin Luther King, Jr. Avenue, S.E. will enable GSA, in conjunction with the DC Department of Transportation, to add a left turn lane with appropriate traffic signal leading into the West Campus at Gate No. 1. The proposed acquisition of land from the NPS will allow GSA to provide another access point to St. Elizabeths.

PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

Summary of Energy Compliance

Cogeneration and Waste Heat: Approximately 30% of the campus power will be produced on site through cogeneration. This percentage represents 100% of the critical campus electrical needs in times of emergencies. The waste heat generated by the natural gas-fired turbines will be converted to both steam and hot water to help heat the buildings and, through steam driven absorption chillers, to help cool the buildings.

Solar Energy: Photovoltaic energy-collection arrays were considered for electric street lighting, central utility plant control power, and for lawn irrigation systems. However, this was found to be untenable at the site due to the limited acreage that could be used to house photovoltaic solar panels. Solar energy-collecting roofing membranes, however, may be incorporated on portions of the new construction roof tops.

Geothermal: Geothermal wells were considered in limited areas to support heat pump systems for some of the adaptive reuse historic buildings, such as the fire station, and some new construction support buildings, such as the remote delivery facility and the visitors' center. These wells were also found to be untenable due to the distance of the water source (Anacostia River) from the site.

GSA's goal is to provide DHS with a headquarters campus that has a silver LEED (Leadership in Energy and Environmental Design) rating.

Alternatives Considered (30-year, present value costs)

New Construction:	$5,168,478,000
Lease:	$5,684,557,000

The 30-year, present value cost of new construction is $516,079,000 less than the cost of leasing, or an equivalent annual cost advantage of $31,683,000

Recommendation

CONSTRUCTION

GSA PBS

PROSPECTUS – CONSTRUCTION
DEPARTMENT OF HOMELAND SECURITY, CONSOLIDATION, INFRASTRUCTURE, SITE ACQUISITION, AND DEVELOPMENT OF ST. ELIZABETHS CAMPUS
WASHINGTON, DC

Prospectus Number: PDC-0002-WA11

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

Septer 79

Department eland Security
Consolidation and Dev nt of St. Elizabeths Campus

.0002-WA11

Components and Locations	Current Locations							Proposed Headquarters						
	Personnel		Usable Square Feet (USF)				RSF	Personnel		Usable Square Feet (USF)				RSF
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total
DHS - Coast Guard - Phase 1 Move								3,860	3,860	806,923		222,270	1,029,193	1,235,032
TRANSPOINT	2,664	2,664	405,451		99,077	492,528	577,907							
JEMAL RIVERSIDE	1,540	1,540	290,201		30,000	320,201	368,231							
470/490 L'ENFANT PLAZA	15	15	1,889			1,889	2,172							
Sub Total	4,219	4,219	695,541	0	129,077	824,618	948,311	3,860	3,860	806,923	0	222,270	1,029,193	1,235,032
GSA - Field Office - Phase 1 Move								10	10	16,000			16,000	19,200
Sub Total	0	0	0	0	0	0	0	10	10	16,000	0	0	16,000	19,200
DHS - Secretary & Management - Phase 2 Move								1,805	1,805	392,769		299,385	692,154	830,585
GSA-ROB	375	375	107,984			107,984	296,745							
1201-1225 NEW YORK AVENUE	85	85	17,500			17,500	25,875							
TRANSPORTATION SECURITY OPERATIONS CENTER - HERNDON, VA	151	151	90,400			90,400	103,960							
NEBRASKA AVENUE COMPLEX	1,473	1,473	205,683			205,683	238,592							
Sub Total	2,284	2,284	421,567	0	0	421,567	667,372	1,805	1,805	392,769	0	299,385	692,154	830,585
DHS - FEMA - Phase 2 Move								3,100	3,100	551,923		25,000	576,923	692,308
FEDERAL CENTER PLAZA	1,625	1,625	268,502		3,407	271,909	312,695							
WORLD TRADE CENTER	35	35	3,245			3,245	3,732							
999 E STREET NW	100	100	15,800			15,800	18,170							
PATRIOTS PLAZA	337	337	64,107			64,107	73,723							
TECHWORLD PLAZA I	400	400	74,796		9,463	84,259	96,898							
WASHINGTON DESIGN	150	150	27,353			27,353	31,456							
CRYSTAL MALL 1	400	400	83,456			83,456	95,974							
Sub Total	3,037	3,037	537,259	0	12,870	550,129	632,648	3,100	3,100	551,923	0	25,000	576,923	692,308
DHS Amenity Space - Phase 2 Move												98,692	98,692	118,430
Sub Total												98,692	98,692	118,430
DHS - Transportation Security - Phase 3 Move								1,400	1,400	265,000	50,000		315,000	378,000
ORACLE BUILDING - RESTON, VA	175	175	34,800			34,800	40,020							
MCI BUILDING - ARLINGTON, VA	1,045	1,045	103,200			103,200	118,680							
TTAC - ANNAPOLIS JUNCTION, MD	180	180	36,500			36,500	41,975							
Sub Total	1,400	1,400	174,500	0	0	174,500	200,675	1,400	1,400	265,000	50,000	0	315,000	378,000
DHS - Customs & Border Protection - Phase 3 Move								1,500	1,500	260,000			260,000	312,000
RONALD REAGAN BUILDING	1,500	1,500	260,000			260,000	301,600							
Sub Total	1,500	1,500	260,000	0	0	260,000	301,600	1,500	1,500	260,000	0	0	260,000	312,000
DHS - Immigration & Customs - Phase 3 Move								1,250	1,250	290,000			290,000	348,000
800 N CAPITOL STREET NW	135	135	57,200			57,200	71,200							
POTOMAC CENTER NORTH	865	865	175,000			175,000	198,950							
TECHWORLD PLAZA I	250	250	50,000			50,000	57,500							
Sub Total	1,250	1,250	250,200	0	0	250,200	287,730	1,250	1,250	290,000	0	0	290,000	348,000
DHS - Nat'l Protection & Programs Directorate - Phase 3 Move								400	400	60,602			60,602	72,722
BALLSTON PLAZA II	60	60	11,900			11,900	13,685							
NEBRASKA AVENUE COMPLEX	295	295	47,800			47,800	55,448							
GSA-ROB	45	45	9,200			9,200	12,788							
Sub Total	400	400	68,900	0	0	68,900	81,921	400	400	60,602	0	0	60,602	72,722

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Consolidation and Dev t of St. Elizabeths Campus 0002-WA11

Components and Locations	Current Locations							Proposed Headquarters						
	Personnel		Usable Square Feet (USF)				RSF	Personnel		Usable Square Feet (USF)				RSF
	Office	Total	Office	Storage	Special	Total	Total	Office	Total	Office	Storage	Special	Total	Total
DHS - Office of Intelligence & Analysis - Phase 3 Move								400	400	60,602			60,602	72,722
NEBRASKA AVENUE COMPLEX	400	400	69,577			69,577	80,014							
Sub Total	**400**	**400**	**69,577**	**0**	**0**	**69,577**	**80,014**	**400**	**400**	**60,602**	**0**	**0**	**60,602**	**72,722**
DHS - Office of Health Affairs - Phase 3 Move								50	50	7,500			7,500	9,000
1120 VERMONT AVENUE	268	268	41,807			41,807	48,078							
NEBRASKA AVENUE COMPLEX	22	22	4,780			4,780	5,545							
Sub Total	**290**	**290**	**46,587**	**0**	**0**	**46,587**	**53,623**	**50**	**50**	**7,500**	**0**	**0**	**7,500**	**9,000**
DHS - Science & Technology - Phase 3 Move								10	10	2,231			2,231	2,677
NEBRASKA AVENUE COMPLEX	2	2	400			400	464							
Sub Total	**2**	**2**	**400**	**0**	**0**	**400**	**464**	**10**	**10**	**2,231**	**0**	**0**	**2,231**	**2,677**
DHS - Management OIG/DNDO - Phase 3 Move								20	20	3,000			3,000	3,600
1120 VERMONT AVENUE	8	8	1,700			1,700	1,955							
1125 15TH STREET	10	10	1,900			1,900	2,185							
Sub Total	**18**	**18**	**3,600**	**0**	**0**	**3,600**	**4,140**	**20**	**20**	**3,000**	**0**	**0**	**3,000**	**3,600**
DHS - Law Enforcement Training - Phase 3 Move								5	5	750			750	900
LINCOLN SQUARE	5	5	3,700			3,700	4,255							
Sub Total	**5**	**5**	**3,700**	**0**	**0**	**3,700**	**4,255**	**5**	**5**	**750**	**0**	**0**	**750**	**900**
DHS - Citizenship & Immigration - Phase 3 Move								10	10	1,500			1,500	1,800
CASIMIR PULASKI BUILDING	10	10	2,200			2,200	2,530							
Sub Total	**10**	**10**	**2,200**	**0**	**0**	**2,200**	**2,530**	**10**	**10**	**1,500**	**0**	**0**	**1,500**	**1,800**
DHS - Secret Service - Phase 3 Move								15	15	2,250			2,250	2,700
US SECRET SERVICE HEADQUARTERS	15	15	4,200			4,200	4,578							
Sub Total	**15**	**15**	**4,200**	**0**	**0**	**4,200**	**4,578**	**15**	**15**	**2,250**	**0**	**0**	**2,250**	**2,700**
DHS Special Space - Phase 3 Move												87,393	87,393	104,872
Sub Total												**87,393**	**87,393**	**104,872**
Totals	14,930	14,830	2,538,231		141,947	2,680,178	3,269,860	13,835	13,835	2,721,050	50,000	732,740	3,503,790	4,204,548

Utilization		
	Current	Proposed
Rate	134	153

Current UR excludes 558,411 USF of Office Support
Proposed UR excludes 598,631 USF of Office Support

Special Space	USF
Commandant's Suite	9,300
Data Facility	19,850
Clinic	21,615
Meeting Facility	15,000
Child Care	12,000
Food Services	35,200
Mail / Loading Dock / Security	12,585
Law Library / Storage	5,340
Command / Communications	17,460
Marine Safety Center	20,925
Shipping / Receiving / Warehouse	10,000
Fitness Center	19,230
Chapel / Historian / Training	14,075
Auditorium / Retail Services	19,690
National Operations Center	246,154
CUP	33,231
Amenity Space	98,692
FEMA Special Space	25,000
SCIF / Storage / IT	87,393
Total:	732,740

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME
PME-BSD-CA11

Resolved by the Committee on Transportation and Infrastructure of the. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the redevelopment of the existing land port of entry at Ferry Point, Calais, ME, at site acquisition costs of $500,000 and design and review costs of $1,052,000, for a combined cost of $1,552,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Description

The General Services Administration (GSA) proposes to redevelop the existing land port of entry (LPOE) at Ferry Point in Calais, Maine, to meet current and future needs. The proposed project will allow GSA to extend the useful life of the buildings while reconfiguring traffic flow to better accommodate a reduced commercial vehicle traffic function and growing non-commercial traffic. The renovated facility will support and work in conjunction with the much larger, newly constructed international crossing between Calais, Maine and St. Stephens, New Brunswick.

Project Summary

Site Information:
Government-owned..... .8 acres
To be acquired..... .7 acres

Building Area (after renovation):
Building (including canopies) .....23,863 gsf
Building (excluding canopies) .....14,395 gsf
Number of outside parking spaces:.....31
Number of inside parking spaces:.....2

Cost Information

Site Development Costs [1] $4,125,000
Building Costs (includes inspection canopies) ($403/gsf) $9,625,000

Project Budget

Site Acquisition.....$500,000
Design and Review $1,052,000
Estimated Construction Cost (ECC) $13,750,000
Management & Inspection (M&I) $704,000
Estimated Total Project Cost *.....$16,006,000

*Tenant agencies may fund an additional amount for emerging technologies and alterations above the standard normally provided by the GSA.

[1] Site Development includes site clearing, demolition, roadways, and utilities.

PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Authorization Requested (Site Acquisition and Design) ..... **$1,552,000**[2]

Prior Authority and Funding

Prior House and Senate Committee approval and appropriation.[3]

Schedule	Start	End
Design	FY2011	FY2012
Construction	FY2012	FY2014

Project Overview

The existing border station at Ferry Point consists of three structures totaling 14,710 gross square feet (gsf): a two and one-half story main inspection facility and a one-story truck inspection building both constructed in 1936; a one-story secondary inspection facility constructed in 1962. The main port building is eligible for listing on the National Register of Historic Places (NRHP).

[2] GSA has worked closely with DHS program offices responsible for developing and implementing security technology at the Land Ports of Entry (LPOEs). These programs include United States Visitor and Immigrant Status Indicator Technology (US-VISIT), Radiation Portal Monitors (RPM's) and Advanced Spectroscopic Portal (ASPs) monitors, Western Hemisphere Travel Initiative (WHTI) and Non-Intrusive Inspection (NII). This prospectus contains the funding of infrastructure requirements for each program known at the time of prospectus development because these programs are at various stages of development and implementation. Additional funding by a Reimbursable Work Authorization (RWA) may be required to provide for as yet unidentified agency specific elements of each of these programs to be implemented at this port.

[3] Prospectus No. PME-BSC-CA06 was authorized by the Senate Committee on Environment and Public Works on July 20, 2005 and the House Committee on Transportation and Infrastructure on October 26, 2005. The authorization provided for construction of facilities at the newly constructed international crossing between Calais, Maine and St. Stephens, New Brunswick, Canada. In addition, it provided for new facilities at Milltown and renovation of existing facilities at Ferry Point. Through Public Law 109-115, Congress appropriated $50,146,000. Due to the rise in material costs and competitive labor and its remote location, bids for the new Calais project were in excess of the original budgeted amount. To keep the Calais part of the project moving forward, GSA used the aforementioned appropriated funds to award the Calais project. Additionally, due to escalating project costs and changes in customer requirements at both Ferry Point and Milltown GSA is now seeking authorization and funding separately for Ferry Point. GSA will seek funding for Milltown through a future funding request.

PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME

Prospectus Number: PME-BSD-CA11
Congressional District: 2

The proposed project involves redeveloping the existing border station facilities on approximately 1.5 acres of land of which GSA currently owns approximately .8 acres and an additional .7 acres will be acquired. The full project includes: main administration building (upgrade of mechanical, plumbing, electrical, and fire systems); asbestos abatement; interior space reconfiguration and expansion; ADA enhancements: dog kennel; demolition and replacement of existing garage and truck inspection building; and generator storage. The facility will have three primary inspection lanes, five secondary non-commercial lanes, three non-commercial inspection bays, and an outbound inspection lane along with associated canopy and booth space for lanes.

Tenant Agencies

Department of Homeland Security-Customs and Border Protection

Location

Ferry Point is located in Calais, ME. Calais, in eastern Maine, is in Washington County on U.S. Highway One at the international border between the United States and Canada, separating the State of Maine and the Province of New Brunswick.

Justification

The existing Ferry Point port of entry is a primary crossing between the US and Canada in eastern Maine. This LPOE can no longer efficiently and effectively process traffic given the stringent security standards imposed since September 11, 2001.

The existing two and one half story main port building is situated on a site of less than one acre. Deficiencies of the main building include: insufficient office space; no search and inspection rooms; no detention cells; and insufficient storage, locker, lunch, and conference/training space to house the projected staff levels. The current site does not provide adequate space for sufficient parking, maneuvering areas, or a well-defined traffic pattern for visitor and employee parking and no secure parking for impounded vehicles. The main building is also in need of HVAC upgrade, asbestos abatement, and additional, more updated fire protection measures.

The renovated Ferry Point LPOE will complement the new, much larger LPOE in Calais. This new LPOE will handle most of the commercial traffic and some of the non-local traffic currently passing through Ferry Point.

PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Once the new LPOE is completed, the traffic utilizing Ferry Point will likely be limited to local van sized commercial vehicles and local non-commercial traffic. The proposed renovated facility will be able to efficiently process the projected level of traffic.

Summary of Energy Compliance

This project will be designed to conform with requirements of the Facilities Standards for the Public Buildings Service and to earn Leadership in Energy and Environmental Design (LEED) certification. It will also meet energy efficiency and performance requirements in effect during design. GSA will encourage exploration of opportunities to gain increased energy efficiency above the measures achieved in the design.

Alternatives Considered

GSA owns and maintains the existing facilities at this port of entry; thus no alternative other than Federal construction was considered.

Recommendation

SITE ACQUISITION AND DESIGN

GSA **PBS**

PROSPECTUS – SITE ACQUISITION AND DESIGN
U.S. LAND PORT OF ENTRY
CALAIS, ME

Prospectus Number: PME-BSD-CA11
Congressional District: 2

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended _____
Commissioner, Public Buildings Service

Approved Martha Johnson
Administrator, General Services Administration

September 2009

Housing Plan
US Land Port of Entry

PME-BSD-CA11
Calais (Ferry Point), ME

Locations	Current							Proposed						
	Personnel		*Usable Square Feet (USF)*				*RSF*	*Personnel*		*Usable Square Feet (USF)*				*RSF*
	Office	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**	**Office**	**Total**	**Office**	**Storage**	**Special**	**Total**	**Total**
Ferry Point LPOE														
DHS - Customs & Border Protection	6	6	5,361	54	1,505	**6,920**	**11,106**	15	15	10,500	600	12,763	**23,863**	**23,863**
Total:	**6**	**6**	**5,361**	**54**	**1,505**	**6,920**	**11,106**	**15**	**15**	**10,500**	**600**	**12,763**	**23,863**	**23,863**

Special Space	
Inspection/Canopies/Booths	11,315
Kennel	128
Enclosed Parking	720
Generator storage	600
Total:	**12,763**

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI
PMI-FBD-DE11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for the design of an annex to the Patrick V. McNamara Federal Building to provide an automotive maintenance shop and a secured parking garage for the Federal Bureau of Investigation, at a proposed cost of $3,658,000, a prospectus for which is attached to and included in this resolution.

Provided, that, to achieve cost savings, the Administrator of General Services, in coordination with the Federal Bureau of Investigation, shall critically examine all opportunities to reduce the number of parking spaces and/or the size of the garage, including the use of stacked parking, and by accounting for diversity factors (e.g., average number of agents on leave or travel) which may attenuate the daily total parking need.

Provided further, that, to the maximum extent practicable and considering life-cycle costs appropriate for the geographic area, that the General Services Administration (GSA) shall use energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

Provided further, that, within 180 days of approval of this resolution, GSA shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the planned use of energy efficient and renewable energy systems, including photovoltaic systems, for such project and if such systems are not used for the project, the specific rationale for GSA's decision.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

Description

The General Services Administration (GSA) proposes the design of a 246,000 gross square foot (gsf) annex to the Patrick V. McNamara Federal Building to provide an automotive maintenance shop and secured parking garage for the Federal Bureau Investigation (FBI). This project also includes the design of a unified perimeter security solution for the McNamara Federal complex.

Project Summary

Site Information
Government Owned ..... 6.8 acres

Building Area – Proposed Annex
Building without Parking ..... 36,000 gsf
Building with Parking ..... 246,000 gsf
Number of inside parking spaces 259

Project Budget

Design $3,658,000
Estimated Construction Cost (ECC) ($157/gsf including inside parking) 38,678,000
Management and Inspection (M&I) 3,315,000
Estimated Total Project Cost (ETPC)* $45,651,000

*Tenant agencies may fund an additional amount for alterations above the standard normally provided by the GSA.

Authorization Requested
(Design) $3,658,000

Prior Authority and Funding

None

GSA PBS

PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

Schedule	Start	End
Design	FY2011	FY2012
Construction	TBD	TBD

Overview of Project

GSA proposes to design an automotive maintenance and secured parking annex adjacent to the McNamara Federal Building for occupancy by the FBI as part of the ongoing FBI space realignment. The proposed annex will be constructed on a government-owned site currently used as a surface parking lot, and will be connected to the McNamara Federal Building by an enclosed walkway. In addition, this project will provide a unified perimeter security solution for the expanded facility.

Tenant Agencies

Federal Bureau of Investigation

Location

Detroit, Michigan

Justification

As part of the FY2006 Capital Investment and Leasing Program, GSA submitted a prospectus for a 266,200 rentable square foot lease with 271 parking spaces to house the FBI in Detroit, MI. The prospectus was approved by the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure on July 20 and October 26, 2005, respectively, but due to market conditions, GSA was unable to successfully award a lease. In 2009, GSA identified the transition of the 1,168,142 gsf McNamara Federal Building into a high performance green building as one of many projects to be funded through the American Recovery and Reinvestment Act. The proposed alteration will provide the contiguous office and expansion space required by the FBI as part of its mission critical field office operations to accommodate the increased staffing and physical security needs.

PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

While the alterations to the Federal Building will accommodate FBI's space needs and eliminate the need for costly leased space, FBI's Program of Requirements also calls for an automotive/radio maintenance facility and secured parking spaces for their government-owned vehicles to be located proximate to their office space. Relocation of the FBI parking and maintenance facility from leased space to federally owned space proximate to the FBI's field office operations will minimize impacts to the operations and the security of the agents while also reducing Federal costs.

The existing perimeter security consists of free standing concrete planters and barriers that are in poor condition and unsightly. GSA proposes a perimeter security solution to meet both the FBI and Department of Homeland Security/Federal Protective Service security standards.

Summary of Energy Compliance

The project will integrate and implement sustainable design principles and energy efficiency effort where possible into both the design and construction process. Currently we are evaluating options that will achieve the goal of obtaining certification through the Leadership in Energy and Environmental Design (LEED) Green Building Rating System of the U.S. Green Building Council.

Alternatives Considered (30-year, present value cost analysis)

Lease:	**$48,621,000**
New Construction:	**$38,105,000**

The 30-year, present value cost of new construction is $10,516,000 less than the lease alternative, an equivalent annual cost advantage of $646,000

Recommendation

CONSTRUCTION

GSA PBS

PROSPECTUS - DESIGN
PATRICK V. MCNAMARA FEDERAL BUILDING ANNEX
DETROIT, MI

Prospectus Number: PMI-FBD-DE11
Congressional District: 13

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

John L. Mica
Ranking Republican Member

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

ACQUISTION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV
PWV-0000-MA11

Resolved by the Committee on Transportation and Infrastructure of the House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for acquisition, through an existing purchase option, of the building located at 145 Murall Drive, Martinsburg, WV, at a proposed total cost of $24,767,000, a prospectus for which is attached to and included in this resolution.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – BUILDING ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV

Prospectus Number: PWV-0000-MA11
Congressional District: 2

Description

The General Services Administration (GSA) proposes to acquire, through an existing purchase option, the building located at 145 Murall Drive in Martinsburg, WV. The government has an option to purchase the building at the set price of $24,767,000 before the lease expires, provided 90 days notice has been given to the lessor.

Building

The building was a phased construction, build-to-suit lease with the Internal Revenue Service (IRS) occupying the building since its completion in 1995. The GSA currently leases the entire building, 122,457 rentable square feet, with approximately 50% of this space consisting of a data center and 295 parking spaces, under a 20-year lease agreement that expires in July 2015.

The building is adjacent to and within the secured boundary of the IRS Enterprise Computing Center located at 250 Murall Drive, a government-owned facility.

Project Budget

Building and Site Acquisition $24,767,000

Authorization Requested (Acquisition).....$24,767,000

Justification

The IRS has a continuing long-term requirement for this location. The operations of this facility are heavily integrated with the adjacent government-owned facility. Under the current lease agreement the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. IRS has made a significant investment in the building since lease commencement for improvements that are essential to their operation. The terms of the purchase option price were finalized with the completion of the final phase of construction in March 1996. In April 2008 a Fair Market Value (FMV) appraisal was completed for GSA which indicated that the building was in good condition and well maintained with no deferred maintenance and a FMV of $28,400,000.

PROSPECTUS – BUILDING ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV

Prospectus Number: PWV-0000-MA11
Congressional District: 2

Tenant Agencies
Internal Revenue Service

Alternatives Considered (30-year, present value cost analysis)

Lease:	**$80,420,000**[1]
Purchase:	**$39,881,000**

The 30-year, present value cost of purchase is $40,539,000 less than the lease alternative, an equivalent annual cost advantage of $2,489,000

Recommendation

ACQUISITION

[1] Under the current lease agreement the government has responsibilities for all repair and alterations as well as operations and maintenance of the facility. This requirement offsets the usual benefits that government realizes in a standard lease agreement.

GSA PBS

PROSPECTUS – BUILDING ACQUISITION
INTERNAL REVENUE SERVICE
145 MURALL DRIVE
MARTINSBURG, WV

Prospectus Number: PWV-0000-MA11
Congressional District: 2

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISTION SERVICE
NORTHERN VIRGINIA
PVA-05-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 103,684 rentable square feet for the General Services Administration Federal Acquisition Service currently located at several locations in Northern Virginia at a proposed total annual cost of $3,939,992 for a lease term of up to 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that,* if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: **December 2, 2010**

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA

Prospectus Number: PVA-05-WA11
Congressional District: 08

Project Summary

The General Services Administration (GSA) proposes a new lease of up to 103,684 rentable square feet with 6 inside secured parking spaces for the GSA Federal Acquisition Service (FAS). The lease will allow FAS to consolidate its workforce and substantially improve its mission of delivering comprehensive products and services across the government at the best value possible in an effective and timely manner.

FAS recently consolidated its headquarters operation by moving occupants from several locations in Washington DC and Northern Virginia into its locations in Crystal City, Arlington, VA. This consolidation effort resulted in significant cost savings and increased efficiencies. Consolidation of the remaining workforce will benefit FAS, as it will eliminate the time and expense of FAS staff travel between Arlington, VA and Fairfax, VA, and will enable FAS employees to work in a team atmosphere in serving its customer agencies.

Currently the majority of the FAS headquarters workforce (80 percent) occupies space in Crystal Park 1 (CPK1), Crystal Plaza 3 (CP3), and Crystal Plaza 4 (CP4) located at 2011, 2100 and 2200 Crystal Drive in Arlington, VA. The CPK1 lease expires May 31, 2010, while the CP3 and CP4 leases expire in 2016.

The remaining workforce occupies space in WillowWood 3 (WW3), located at 10304 Eaton Place, Fairfax, VA. The Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure approved Prospectus PVA-09-WA09 on September 17 and 24, 2008, respectively. The prospectus provides authority to execute a succeeding lease for 92,992 rsf for up to 3 years at the current WW3 location. The lease has already been extended from May 3, 2009, to January 3, 2011, under the authority of the approved prospectus.

To continue with the successful FAS space consolidation initiative, FAS proposes to relocate its remaining headquarters workforce to be in closer proximity to the FAS Headquarters in Crystal City, GSA Central Office in Washington, DC, and the Department of Defense (DoD) in Crystal City and the Pentagon. This lease action will consolidate the occupants of WW3 and CPK1 into new space in Crystal City. The CPK1 lease will be extended to an expiration date consistent with the consolidation plans.

PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA

Prospectus Number: PVA-05-WA11
Congressional District: 08

Description

Occupants:	FAS
Delineated Area:	Crystal City, VA
Lease Type:	New
Justification:	Leases Expire (05/31/10 & 01/03/11)
Number of Parking Spaces:	6 Official Government vehicles (inside)
Expansion Space:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	10 years
Maximum Rentable Square Feet:	103,684
Current Total Annual Cost:	$4,558,531
Proposed Total Annual Cost[1]:	$3,939,992
Maximum Proposed Rental Rate[2]:	$38.00

Summary of Energy Compliance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.
[2] This estimate is for fiscal year 2011 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
GENERAL SERVICES ADMINISTRATION
FEDERAL ACQUISITION SERVICE
NORTHERN VIRGINIA

Prospectus Number: PVA-05-WA11
Congressional District: 08

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended _____
Commissioner, Public Buildings Service

Approved _____
Administrator, General Services Administration

December 2009

General Services Administration
Federal Acquisition Service
Consolidation Housing Plan

Northern Virginia
PVA-05-WA11

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Crystal Park 1-Arlington, VA	25	25	4,554	-	2,190	6,744	-	-	-			
WillowWood 3-Fairfax, VA	474	474	73,159	-	10,600	83,759	-	-	-			
Proposed Lease							499	499	74,613	-	11,790	86,403
Total:	499	499	77,713	-	12,790	90,503	499	499	74,613	-	11,790	86,403

	Current	Proposed
	Utilization	
Rate	121	117

Special Space	USF
Conference	11,790
Total	11,790

Current UR excludes 17,097 USF of Office for support space
Proposed UR excludes 16,415 USF of office for support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure

James L. Oberstar
Chairman

Washington, DC 20515

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKLEY AND JEFFERSON COUNTIES, WV
PWV-01-MA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a new lease of up to 161,000 rentable square feet for partial consolidation/expansion requirements of the United States Coast Guard Operations System Center, currently located in multiple leased locations at a proposed total annual cost of $4,186,000 for a lease term of up to 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute interim leases for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010

James L. Oberstar

James L. Oberstar, M.C.
Chairman

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF BERKELEY AND JEFFERSON COUNTIES, WV

Prospectus Number: PWV-01-MA11
Congressional District: 02

Project Summary

The General Services Administration (GSA) proposes leasing up to 161,000 rentable square feet (rsf) to provide for the partial consolidation/expansion requirements of the United States Coast Guard Operations System Center (OSC), currently located in multiple leased locations in Martinsburg and Kearneysville, West Virginia, Washington, DC, and government-owned facilities in Topeka, KS, Elizabeth City, NC, New London, CT, Baltimore, MD, and Alameda, CA.

This prospectus is submitted in response to language included in the Conference Report on H.R. 2892, Department of Homeland Security Appropriations Act, 2010 (P.L. 111-83 enacted October 28, 2009).

Description

Occupants:	DHS US Coast Guard
Delineated Area[1]:	Martinsburg/Kearneysville and surrounding portions of Berkeley and Jefferson Counties, WV
Lease Type:	Partial Consolidation/Expansion
Number of Parking Spaces:	600 surface
Expansion Space:	68,400 rsf
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	20 years
Maximum Rentable Square Feet:	161,000
Current Total Annual Cost:	$1,602,907 (Existing leases and operating costs for Government-owned space)
Proposed Total Annual Cost[2]:	$4,186,000
Maximum Proposed Rental Rate[3]:	$26.00 per rentable square foot

[1] Bounded on the west by Back Creek from the West Virginia state line with Virginia to the West Virginia state line with Maryland, bounded on the north by the West Virginia state line with Maryland, bounded on the east by the West Virginia state line with Maryland and Virginia, and bounded on the south by the West Virginia state line with Virginia.

[2] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[3] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKELEY AND JEFFERSON COUNTIES, WV

Prospectus Number: PWV-01-MA11
Congressional District: 02

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

Justification

The OSC provides systems development and operations services for the Coast Guard and for the Department of Homeland Security. The Lowe Building, located at 408 Coast Guard Drive, Martinsburg, WV, acts as the primary facility for the OSC functions and provides 117,776 rsf of office/ADP space under a lease that expires February 9, 2015. Operations will remain at this facility and will not be included in leasing action proposed in this prospectus.

In addition to operations in the Lowe Building, OSC also occupies outlying facilities in the Martinsburg/Kearneysville area. OSC operations are located in trailers and small leased buildings, ranging from approximately 6,000 to 30,000 rsf. It is these operations, along with several other OSC functions housed throughout the United States for which this prospectus proposes partial consolidation and expansion.

While the OSC's operations do not require immediate proximity to the Lowe Building, they do need to remain in the designated delineated area of Martinsburg/Kearneysville, and surrounding portions of Berkeley and Jefferson Counties, WV. OSC operations may potentially be housed through leases in more than one building totaling 161,000 RSF, if a single building is not available to meet its requirements.

GSA PBS

PROSPECTUS - LEASE
DEPARTMENT OF HOMELAND SECURITY
UNITED STATES COAST GUARD – OPERATIONS SYSTEMS CENTER
MARTINSBURG/KEARNEYSVILLE AND SURROUNDING PORTIONS OF
BERKELEY AND JEFFERSON COUNTIES, WV

Prospectus Number: PWV-01-MA11
Congressional District: 02

Authorizations

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in one or more facilities that will yield the required rentable area.

- Approval of this prospectus will constitute authority to provide interim leases, if necessary, prior to the execution of the new lease(s).

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on May 13, 2010

Recommended: _____
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

January 2010

PVA-01-MA11

Housing Plan
DHS-USCG
Operations Systems Center

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
Martinsburg/Kearneysville, WV												
Lowe Building	385	385	102,592	-	-	**102,592**	385	385	102,592	-	-	102,592
Annex 2 Building	120	120	24 900	200	400	**25,500**						
Washington Building	-	-	5,300	-	-	**5,300**						
Jefferson Building	30	30	10,604	-	-	**10,604**						
Quad Trailers @ Lowe Building	40	40	6,000	-	-	**6,000**						
Washington, DC												
Jemal Riverside	35	35	3,500	-	-	**3,500**						
Transpoint	50	50	5,000	-	-	**5,000**						
Topeka, KS												
Carlson Federal Building	40	40	4,000	-	-	**4,000**						
Elizabeth City, NC												
Coast Guard Aviation Logistics Center	75	75	7,500	-	-	**7,500**						
Baltimore, MD/Alameda, CA/New London, CT												
Coast Guard PACAREA/Academy/SFLC	130	130	13,000	-	-	**13,000**						
Proposed Lease		-				-	520	520	96,900	1,000	42,000	139,900
Total	**905**	**905**	**182,396**	**200**	**400**	**182,996**	**905**	**905**	**199,492**	**1,000**	**42,000**	**242,492**

	Current	Proposed
Utilization Rate *	120	145

*Utilization Rate does not include the Lowe Building
Current UR excludes 25,537 USF of office support space
Proposed UR excludes 31,008 USF of office support space

Special Space	USF
Telecom	2,000
Lab	4,000
Conference	6,000
Training	5,000
ADP	11,000
SCIF	8,000
COOP	5,000
Receiving	1,000
Total	**42,000**

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars). Usable square footage does not include space devoted to building operations and maintenance (e.g., craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
Ranking Republican Member

David Heymsfeld, Chief of Staff
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

COMMITTEE RESOLUTION

LEASE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH
NORTHERN VIRGINIA
PVA-04-WA11

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that, pursuant to 40 U.S.C. § 3307, appropriations are authorized for a replacement lease of up to 329,000 rentable square feet for the Department of Defense, Office of Naval Research, currently located at 875 North Randolph Street, Arlington, VA, at a proposed total annual cost of $12,502,000 for a lease term of up to 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to the execution of the new lease.

Provided, that, to the maximum extent practicable, the Administrator of General Services shall require that the procurement includes minimum performance requirements requiring energy efficiency and the use of renewable energy.

Provided further, that the Administrator shall require that the delineated area of the procurement is identical to the delineated area included in the prospectus, *except that*, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to the Committee on Transportation and Infrastructure of the House of Representatives prior to exercising any lease authority provided in this resolution.

Provided further, that the Administrator is authorized to apply only the security standards promulgated by the Interagency Security Committee (ISC) to this lease procurement.

Provided further, that the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Adopted: December 2, 2010

James L. Oberstar, M.C.
Chairman

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA11
Congressional District: 8

Project Summary

The General Services Administration (GSA) proposes a replacement lease of up to 329,000 rentable square feet (rsf) of space for the Department of Defense (DoD), Office of Naval Research (ONR), currently located at 875 North Randolph Street, Arlington, VA.

Description

Occupants:	DoD-ONR
Delineated Area:	Arlington, VA
Lease Type:	Replacement
Justification:	Expiring Lease (9/30/2012)
Expansion Space:	None
Number of Parking Spaces:	None
Scoring:	Operating Lease
Proposed Maximum Leasing Authority:	15 years
Maximum Rentable Square Feet:	329,000
Current Total Annual Cost:	$11,709,883
Proposed Total Annual Cost:[1]	$12,502,000
Maximum Proposed Rental Rate[2]:	$38.00 per rentable square foot

Energy Performance

GSA will incorporate energy efficiency requirements into the Solicitation for Offers and other documents related to the procurement of space for which this prospectus seeks authorization. GSA encourages offerors to work with energy service providers to exceed minimum requirements set forth in the procurement.

[1] Any new lease may contain an annual escalation clause to provide for increases or decreases in real estate taxes and operating costs.

[2] This estimate is for fiscal year 2013 and may be escalated by 1.7 percent annually to the effective date of the lease to account for inflation.

GSA PBS

PROSPECTUS – LEASE
DEPARTMENT OF DEFENSE
OFFICE OF NAVAL RESEARCH
NORTHERN VIRGINIA

Prospectus Number: PVA-04-WA11
Congressional District: 8

Authorization

- Approval of this prospectus by the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works will constitute authority to lease space in a facility that will yield the required rentable area.
- Approval of this prospectus will constitute authority to provide an interim lease, if necessary, prior to the execution of the new lease.

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on September 10, 2010

Recommended: Robert A. Peck
Commissioner, Public Buildings Service

Approved: Martha Johnson
Administrator, General Services Administration

April 2010

Housing Plan
Department of Defense

PVA-04-WA11
Arlington, VA

Locations	Current						Proposed					
	Personnel		Usable Square Feet (USF)				Personnel		Usable Square Feet (USF)			
	Office	Total	Office	Storage	Special	Total	Office	Total	Office	Storage	Special	Total
One Liberty Center	1,360	1,360	216,589	-	57,274	273,863						
Proposed Lease							1,360	1,360	216,589	-	57,274	273,863
Total	1,360	1,360	216,589	-	57,274	273,863	1,360	1,360	216,589	-	57,274	273,863

	Current	Proposed
Utilization Rate	124	124

Current UR exludes 47,650 USF of office support space
Proposed UR exludes 47,650 USF of office support space

Usable square footage means the portion of the building available for use by tenants' personnel and furnishings, and space available jointly to the occupants of the building (e.g.,auditorium, health units and snack bars) Usable square footage does not include space devoted to building operations and maintenance (e.g. craft shops, gear rooms, building supply rooms, rest rooms and lobbies).

Special Space	USF
Conf Room	25,316
Reception	8,622
Break Area	2,204
Medical Library	2,170
File Room	2,593
ADP	5,150
Mail Room	1,291
Equip Rooms	5,778
SCIF	5,490
Copy Room	600
Total	57,274

There was no objection.

A TRIBUTE TO RAYMOND DEMETRIO GUTIERREZ

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

Mr. SCHIFF. Madam Speaker, I rise today to honor and pay tribute to Raymond Demetrio Gutierrez, a wonderful man, a husband, a father, a grandfather, and great-grandfather, who also served his country bravely during World War II.

Mr. Gutierrez, of San Gabriel, California, was born December 22, 1926, and was 18 years old when he left his family to answer the call of duty to his country. He served as Seaman First Class on the USS *BonHomme Richard*, which joined the Pacific Fleet during World War II.

Raymond Gutierrez passed away on October 28, 2010, at the age of 83. His memory will live on through his wife of 57 years, Norma; his son, David; and daughter, Theresa. He was also blessed with five grandchildren—Aundrea, Valerie, Alissa, Kimber, and Michael—and a great-grandson, Ryan.

He is fondly remembered by his family as a man of great personal conviction, always putting his family first and treating everyone with great respect. A man of great humor, Raymond would never directly disclose his age but would instead pay it out in change. At age 83 he would say, ''I am three quarters, one nickel, and three pennies.''

He is affectionately remembered in a poem written by his granddaughter, Alissa Cano, for his 84th birthday, which I submit for the RECORD.

We are indebted to Mr. Gutierrez for his life of service and for the fine family and extraordinary example he leaves behind.

THREE QUARTERS, ONE NICKEL AND FOUR PENNIES

With weak legs, a feeble body and a sharp mind
Tata you've lived an exciting life, ''one of a kind''
A mischievous child you always found trouble
From stories I've heard you were a lot to juggle
At one dime, one nickel and three pennies a navy man you were
Standing tall with pride aboard the Bon Homme Richard
Shortly after serving you settled down and tied the knot
And it wasn't long before you had a tinny little tot
A family man and hard worker with your hands
You still found time to venture out across the lands
Throughout many years the Gutierrez family grew in size
You became a storyteller and friend in your watchful granddaughter's eyes
We learned about Ferdinand loving flowers and Old Freddie Fewie
And we each earned our own nicknames like Sam, George & Lewie
At three quarters, one nickel and three Pennies
You're a great grandfather and one of Ryan's buddies
Your time has not come so keep your head high and stand a little taller
Because Tata I love you and want you to live for a dollar

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.

THANK YOU TO KELLY WRIGHT OF FOX NEWS AND DR. LEE MORGAN OF GEORGETOWN VETERINARY HOSPITAL

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, this past Saturday, the 27th of November, Fox News aired a story about the Lee family and Lex, the wounded military working dog that was adopted by the Lee family.

Corporal Dustin Lee was Lex's handler and the Lees' son. A rocket-propelled grenade ended the life of Corporal Lee and also injured Lex by sending shrapnel into his back in 2007. Lex's pain has been so very severe over the past 3 years, and he has also had a hard time walking.

□ 1810

Lex received adult canine stem cell therapy at Georgetown Veterinary Hospital, performed by Dr. Lee Morgan. Lex was released last Friday with much success.

I would like to thank Kelly Wright of the Fox News' show ''Fox and Friends,'' for taking interest in this story and understanding the importance of war dogs in our military. Through his kind work, many people were touched by this heartwarming story.

I would also like to thank Dr. Lee Morgan of Georgetown Veterinary Hospital. Dr. Morgan volunteered much of his personal time to Lex, his recovery, and the Lee family. He was very kind and devoted to this cause and gave this dog and family the attention they deserve.

Many individuals and organizations have made it possible for Lex to receive this therapy by donating time and money to the cause. I would like to thank the Humane Society, the American Kennel Club, the German Shepherd Dog Club of Northern Virginia, the Shoreline German Shepherd Dog Club, and the United States War Dogs Association.

Also, Marine General Mike Regner for his help in retiring this dog and making sure Lex was able to be a part of and placed with the Lee family.

Contributions came from all over the country, and I appreciate everyone who donated. A dog handler currently stationed in Afghanistan sent a donation, which speaks to the importance of these dogs and to the appreciation our servicemembers have for them.

With that, Madam Speaker, I close by asking God to please bless our men and women in uniform, to bless the families of our men and women in uniform. And I ask God to continue to bless America.

TRIBUTE TO IKE SKELTON

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

Mr. SMITH of Washington. Madam Speaker, I rise today to honor IKE SKELTON, the Congressman who has been serving the Fourth District in the State of Missouri since 1976. I have had the great honor of working with Mr. SKELTON on the Armed Services Committee for my 14 years in Congress, and he will be leaving this body at the end of this year. And I think Ike simply embodies the best of Congress and the best of this country.

I remember I was traveling with him one time overseas to visit our troops, as he did relentlessly. And he was talking with someone from a foreign country about what the highest compliment was in America. And the highest compliment in America is, ''You know, he's a good guy.'' And when you think of IKE SKELTON, that is the absolute least you think of him. He is absolutely a good guy to so many people.

When most of us get into Congress in the first place, it is a very, very confusing place. Thousands of issues come at you from thousands of directions. And the first thing I noticed about IKE is he always took the time, with every single one of us who came to his Armed Services Committee, to work with us and help us understand the process.

In part, he did that because that's just the kind of person he is. He cares about other people to a degree that is fairly well unprecedented. He takes care of other people and cares about them. But also he cares about the military, and he cares about the Armed Services Committee. He wants to make sure that Members understand how important service on that committee is, and he's worked with all of us.

He has done a fabulous job, certainly, representing the Fourth District of the State of Missouri, but more than that, he has done a fabulous job of representing our troops.

When IKE SKELTON talks about this body, that is the first thing that he talks about—our obligation as Members of Congress to make sure that we take care of the men and women who serve in our military and their families. I can honestly say there are a lot of Members of Congress who place that as a high priority. I don't think there is a single Member of Congress who places that as high a priority as IKE SKELTON does.

He has cared for our troops from the time he got into Congress, and has been responsible for many, many pieces of legislation, and has made sure they've been taken care of.

More than that, IKE was a mentor and a friend to me, personally. I've served on the committee with him since I got elected to Congress. He always took the time to work with me on issues, to educate me, and also to look after my interests in my district as well. He understood that, as much as he was standing up for the State of Missouri and the Fourth District, his country came first. And the entire country was his priority. And he did a great job for us on that committee.

It is with great sadness that he will be leaving this body, but I know that IKE will continue to be a very, very productive member of our society. The knowledge that he has of our armed services and the knowledge that he has of what is best for our troops will continue to serve this country for a long time to come.

It was a great honor to serve with him, and I am certain he will continue to serve our country in many capacities in a way that makes it better, because that's the kind of guy he is. He cares about other people. He cares about this country. More than anything, he cares about the troops who serve this country, and he will always be a tireless advocate for them.

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

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

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

LOOK WHO RUNS THE REPUBLICAN PARTY

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

Mr. GRAYSON. Madam Speaker, we've heard endless braying from the Republicans time after time, demanding an extension of tax cuts for the rich in this country. They tell us that extending the tax cuts for the rich will somehow create jobs when we've had these tax cuts for the rich for 9 years, and I haven't noticed a whole lot of jobs being created in the last 9 years. They tell us it will dramatically boost the economy. I haven't noticed that happening for the last 9 years either.

So you really have to wonder why they persist in this mania, this obsession of theirs that we need to have more tax cuts for the rich when the economy is flat on its back and unemployment is almost 10 percent.

I think I have the answer. The answer turns out to be very simple. They want a tax cut for the rich because they want a tax cut for themselves.

What do I mean by that? Well, let's take a look at the people who are really in charge, the ones who actually run the Republican Party.

Let's start with this gentleman here, the man with the cigar, Rush Limbaugh. Doesn't he look happy?

According to Newsweek, he makes $58.7 million a year, and extending the Bush tax cuts for the rich will mean that he'll have another $2.7 million. Mega dittos, Rush, and mega money.

Let's look at the next one.

Here's Glenn Beck. According to Newsweek, Glenn Beck makes $33 million a year as a pundit, and extending the Bush tax cuts means a cool $1.5 million for Glenn Beck's ongoing, night-by-night imitation of Howard Beale from ''Network.''

Now let's take a look at the next one.

Sean Hannity. Newsweek says that Sean Hannity, this man of the people, makes $22 million a year from his act on Fox, and that means that the Bush tax cuts mean an extra $1 million for Sean Hannity. Maybe he can go now and afford some anger management classes.

Let's take a look at the next one.

Bill O'Reilly. He makes a modest $20 million a year from his gig on Fox. And that means that the Bush tax cuts give him not quite seven figures, merely $914,000 a year of extra cash. It's easy to see why Bill O'Reilly wants to see the Bush tax cuts extended. And I have to say he's no Pinhead when it comes to that.

And now Sarah Palin. Sarah Palin has made $14 million this year from cashing in on her fame. In fact, she has done a better job of turning fame into cash than anyone in American history, $14 million. She wants the Bush tax cuts extended so she can make an extra cool $638,000.

And now on to Newt Gingrich, the man who did such a great job in running America back in the 1990s that he wants a second chance in this decade. Newt, if you do to us now what you did to us then, we're going to be in big trouble. But Newt Gingrich makes $5 million a year from his punditry, which means he'll get an extra quarter million dollars a year from the Bush tax cuts being extended.

And now let's go on to the Big Cheese, George W. Bush, himself, the man who got us into two endless wars, the man who brought us to the brink of national bankruptcy, the man who gave us $4-a-gallon gasoline.

□ 1820

George W. Bush makes a cool $4.2 million a year, according to Newsweek. That means that extending the Bush tax cuts for George Bush means an extra $187,000 in his pocket every single year.

I have a better idea. Instead of placating these people and letting them spew out onto the airwaves their lies about the Bush tax cuts without ever revealing the fact that they stand to gain millions, millions of dollars each year from their selfish desire to take advantage of the rest of America, let's do this: let's take that money and create jobs. All that money that the Bush tax cuts are charging us, that could create jobs for 3 million Americans a year. A $30,000 job, a fair wage for fair work, a dignified wage for dignified work, and a way to revive our economy in America.

I think that's a better idea than stuffing even more money into the pockets of the rich. Because the problem in America today is not that the poor have too much money. That's not the problem at all. It's that they need jobs.

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from 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.)

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN

DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

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

PRECEDENT AND THE CENSURE MOTION

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

Mr. GOHMERT. Madam Speaker, it's been an interesting day here on the floor. And as always, an honor to have a chance to speak here. What we have just witnessed was not a pleasant event. It was terribly sad. It's tragic when anybody in Congress, especially a leader, a chairman, is found to have engaged in conduct inappropriate to such a degree as a Member of Congress, particularly as the chairman of the Tax Code-writing committee.

We have heard some things that were a little bit surprising. I heard Chairman RANGEL say there was no self-enrichment. I heard people talk about the lack of precedent for something like this, to have such a horrible sentence as to have to stand before the Speaker and be told to pay the taxes that were actually due and owing, or should have been paid previously when they were due and owing, and how horrible that was. So a little surprising that I would hear a fellow colleague make a comparison to the death penalty and life in prison.

I have had the unenjoyable responsibility to sentence people to death before and to life in prison. And I would daresay you could bring back those sentenced to life—you couldn't bring back those sentenced to death where it's been carried out—but they would not agree that standing before the Speaker and being told to pay the taxes that you didn't pay back when you should have was anything equivalent and fair to be compared with a life sentence in prison.

With regard to precedent, all kinds of precedents come back to mind, all types of displays of integrity. We heard people say across the aisle that because someone conducted themselves in such a heroic and noble fashion in war that they deserve to be left alone and to be honored, and in fact apparently deserving of a standing ovation for failing to comply with the laws that he himself helped create.

Precedent? You want to know precedent in this country? You can go down the Hall from this Chamber and go to the rotunda and look around and see massive paintings that evidence precedent. You see 56 signers of the Declaration of Independence who pledged their lives, their fortunes, their sacred honor. And they didn't withhold any of those.

We are reminded of I believe it was Thomas Nelson, a signer of the Declaration, who pledged his life, his fortune, his sacred honor. I believe it was Nelson who, during the siege of Yorktown, had indicated that since the British officers were in his home, his home should be fired upon, that that was the British headquarters. The soldiers apparently responded that, sir, this is your home. He said, this is where the enemy is. Take out my home.

Precedent? People who pledged their lives, their fortunes, their sacred honor, who lost family members, who lost everything, all for the sake of us having liberty and freedom some day. And say that we have not—it's okay to just flagrantly fail to abide by the laws that we ourselves create.

Precedent? There is the big mural of Washington standing there with a piece of paper in his hand. And people file by that by the thousands every day and don't really understand the precedent that that established.

Precedent? I will tell you precedent. George Washington was made commander of the Revolutionary military. Many of the soldiers enlisted around the time of the signing of the Declaration of Independence, July of 1776, which means that their enlistment was to be completed in January of 1777. Most of that time was spent in retreat in front of vastly superior British forces.

December 24, things were so desperate Washington talked to his generals, and he believed they should move across the Delaware. Even with all the ice, even with so many of his men not equipped, many without shoes, they should travel across the Delaware and engage the most feared mercenaries in the world. His generals said there is ice in the river. We could lose the entire revolution if we do this. Washington said if we don't have a victory, it's going to be lost anyway.

He himself came up with the challenge words. If a soldier was to be challenged that night, ''Halt, who goes there?'' The challenge words that would allow the challenger to know that this was an American would be, ''Victory or death.'' It was that important.

They traveled across the icy Delaware. And, no, George Washington knew better to stand up in a boat, especially in an icy river. They caught the Hessians off guard and routed them, took them prisoner. Some were killed.

□ 1830

It was a major victory. But many of the American soldiers felt like they were not going to reenlist when their time was up.

On December 27, 1776, the Continental Congress did the unthinkable. They were seeking a democratic republic where people would govern themselves, and yet they passed a law to give Washington basically all the power, all the financial power he needed to win the war. Do whatever you need, pay whatever you've got to pay, because the Continental Congress knew that, if these guys didn't reenlist, they were all dead. Their families would be dead. They would be dead. Everything would be gone. Everything they had worked for in their lives would be gone.

But they had pledged their lives, their fortunes, their sacred honor, and here they put them in the hands of one man. They sent a cover letter with a copy of the bill to Washington, in essence, explaining that we are giving you all this power, but because we know you, and we know your absolute integrity, that when you have no further need of this power you will give it back.

Precedent? That was a precedent. No man has ever been given that kind of power in the United States' history. Paulson came close with his Wall Street buddy bailout that he was able to wrangle. But they knew Washington. There was a precedent.

He didn't get the copy of the bill in the letter until the men either had to reenlist or go home. Washington urged them to reenlist, and virtually no one did. He made a second plea, not knowing he had the power to raise their salaries. And his plea was so heartfelt, because they knew this man's heart, that most of them reenlisted anyway. Then he later found out the power he had.

Precedent? The precedent came when George Washington won the Revolution and did what no man before or since has ever done. He did what's depicted in that picture where he is standing there with his resignation in his hand, and he says, symbolically, here is all the power back. I did what you asked with absolute integrity, and now I'm going home.

That's a precedent. That's incredible humility and integrity that we haven't seen around here in a long time. That's a precedent. Talk of precedent, during Chairman RANGEL's hearing. Compared to those kinds of precedents?

You know, when George Washington resigned, he had sent a resignation letter to the 13 Governors. And at the end of that resignation letter, and it was printed, circulated throughout the 13 States, he said, he ended with these words. What a precedent this is.

''I now make it my earnest prayer that God would have you, and the

State over which you preside, in His holy protection; that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government, to entertain a brotherly affection and love for one another, for their fellow-citizens of the United States at large, and particularly for brethren who have served in the field; and finally, that he would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind, which were the characteristics of the Divine Author of our blessed religion, and without an humble imitation of whose example in these things we can never hope to be a happy nation.''

He signed it, ''I have the honor to be with great respect and esteem, Your Excellency's most obedient and very humble servant, George Washington.''

There is a precedent. There is absolute integrity. There is humility.

You would never have heard Washington stand up and say, hey, at least I didn't self-enrich. There was no self-enrichment even though Washington, in his case, it was truth.

Precedent, we are told. We are told about precedent here when you have this historic building where you have so many acts of selflessness that have been carried out.

You know, Webster probably should have been present. I am not sure that he was right in what he did. I think he was wrong when he urged other Senators to join in the Compromise of 1850. But apparently Webster believed, even though he was a strict abolitionist and believed, as we all should, that no one should be enslaved, no one should be owned by another individual—precedent. Well, I am just taken aback.

In this hallowed Hall, no self-enrichment. Webster stood up knowing that if he urged the other Senators to join in a Compromise of 1850, though he probably would be President, if he said that, he would not be. He tried that after he urged them to do that, but it didn't work out. He figured it wouldn't. That was selflessness rather than selfishness.

There was a case where there was no self-enrichment or self-deprecation. He never became President, and historians point to that act. Right or wrong, he believed that there would be a civil war if they did not have the Compromise of 1850, and he believed that in 1850 the Nation would not be able to withstand a civil war. Maybe it wouldn't have. It almost didn't when it began in 1861. But that was a precedent. That was selflessness. That was a case of no self-enrichment.

Or how about in the impeachment of Andrew Johnson when a man is carried on a gurney so that he can cast a vote and the vote failed by one? There are all kinds of cases of precedent, of selflessness, of cases in which there was no self-enrichment.

Yet that's brought up in this case of Chairman RANGEL. I like Chairman RANGEL. He is a fun guy to talk to. He is a fun guy to be around.

Until this episode, I thought he was a very, very smart individual. But for his statements to be true, that he had no idea that he was doing anything wrong, then there would have to be a vast amount of ignorance. There is no law against ignorance. We are all ignorant in some areas. But after I heard the comment ''no self-enrichment,'' I asked for the case evidence.

Well, it turns out in Punta Cana, in the Dominican Republic, the respondent, Chairman RANGEL, purchased a villa at the Punta Cana Yacht Club in 1987. It talks about he had quarterly payments due, 10.5 percent interest. He could use the villa for up to 9 weeks a year. The remaining weeks it could be rented out by the resort with proceeds from the rentals going into the rental pool from which he received benefit or, some might say, self-enrichment.

□ 1840

For his portion of the rental pool, it's income. Obviously, we can't call people a liar, so we will say, okay, he was telling the truth. He had no idea that when he was provided money or that that money was paid toward a home which he purchased to pay off his mortgage he had no idea that that was income.

Now I would think to help make that kind of an assertion, it would help if the chairman of Ways and Means also came into this body and in addition to saying, there is no self-enrichment, I had no idea at the time that I was making these mistakes, I would think he would add, Do you know what? Since I'm chairman of Ways and Means and I can't figure this stuff out, and even I am completely ignorant of what is accrued income to me, what we need to do is either have a flat tax or a fair tax where I never have to fill out another document again, it's just taken care of, there's no mistakes. Because this obviously is so confusing that even the chairman of Ways and Means cannot figure it out.

Well, the evidence goes on that in late 1992, early 1993, the management of Punta Cana decided to eliminate any remaining interest due on the mortgages of the respondent with some early investors; and in 2009, by that year, the respondent's, Chairman RANGEL's, rental pool's earnings paid off his original mortgage and the financing of the third bedroom addition. See, most people would realize that if other people are paying money to rent out your villa and you're getting checks, as apparently came at some point directly from the rental pool to Chairman RANGEL, some would say, do you know what? I'm getting this extra money into my pocket, do you know what? That is probably income. Some would realize that when people are renting your villa, and that money is going into a pool from which your mortgage is being paid an additional equity, every quarter it's increasing, that that would be accrued income or self-enrichment. But apparently that was not realized.

So as a former judge, I know we look at other evidence to see if there are indications that anything might have been discerned about the classification of this obvious income or benefit to most people, and the evidence points to a January 1993 letter written to Reiniere at this Punta Cana resort in which Chairman RANGEL said, I hope you can provide me with a copy of the contract we have with the Punta Cana which includes the third bedroom addition, what equity has accrued and if there is an outstanding balance. He wasn't sure that there was an outstanding balance because even though he may not have been paying the mortgage, it was getting paid from somewhere, and then though he apparently did not realize that by others paying his mortgage for him that it was income, he said in this letter, his words, as I mentioned to you, the House Ethics Committee requires the disclosure by Members of Congress of any assets and unearned income, and while I enjoy a good relationship with the committee's chairman, it certainly would be politically embarrassing if I were unable to provide an accurate accounting of my holdings.

Apparently, at the time he wrote the letter, he realized they were holdings. He realized that there was equity accruing, which many would consider a form of self-enrichment. He indicates that since Members of Congress are required to disclose assets and unearned income that he would need the information from Punta Cana to indicate what income had come in.

As we understand, there has also been the issue raised, well, gee, statements came back in Spanish, and so we really didn't know what it all meant. However, the evidence indicates on a letter that was sent to Chairman RANGEL, please find enclosed your statement of account as of June 30, 1996, for the CO owners' rental pool that shows a total net income, and apparently the word ''income'' in English in the letter did not resonate with Chairman RANGEL that ''income'' meant it's income, and it didn't trigger the thought that maybe since they're saying it's income, I should report it on this thing called an income tax return.

But it says there was net income of U.S. dollars $3,294.95. So I understand since that's spelled out in English that can be a little confusing, especially where they say the net income to Chairman RANGEL was this specific amount. But then again, maybe self-enrichment means something other than what I understand. And I think most people understand that you made money off something.

Well, the original financial disclosures—I didn't even ask about this stuff until I heard Chairman RANGEL use the term that there was no self-enrichment. So I asked for the documentation here just this afternoon, because I was struck by ''no self-enrichment.'' That doesn't sound right. But

apparently the 1998 original financial disclosure—this was after the letter was sent to Punta Cana saying I have to disclose all assets on my financial disclosure I have to disclose as income, and even after he got a letter saying here is how much in U.S. dollars you had in income, he doesn't disclose it on the financial disclosures for 1998, 1999, 2000 per letter agreement.

And then finally in 2001, he does start reporting the income between $5,000 and $15,000, that's the category, until 2004 when the category was $2,500 to $5,000. But also in the evidence in the record, it shows that for 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006 no income was reported from this income as described from Punta Cana on the original income tax returns of Chairman RANGEL.

I suffer from the problem of having, before I was a judge and chief justice, having been in a Federal courtroom of a judge who was known to tell people he sentenced who had not reported every dime of income they actually had. So found guilty of failing to pay all of their income tax, income tax fraud, he would instruct them that they had committed this horribly heinous crime. The reputation was that they would be lectured that they had committed this heinous crime by taking food out of the mouths of children who couldn't feed themselves or shelter from those who had none by this heinous crime and then be sent to prison, doing hard time in prison.

So I didn't get as concerned about this until I heard the chairman himself saying here on this floor there was no self-enrichment; they were just innocent mistakes. Yet in his own words, in his own letter, he acknowledges he needs to know what is his income from Punta Cana, from his villa there. He indicated he has to disclose these things, even though he didn't, and didn't report for years on his income tax return the fact that people were paying rent to his villa and that money was going to pay off his mortgage.

□ 1850

See, I think most people across America who may not even know what the Ways and Means Committee is and that it writes the tax laws, they have an idea that if they buy a home or they buy a villa, whether in the Dominican Republic or here in the United States, and it is leased out, and after paying expenses for the home there is additional money left that is used to pay off the mortgage and then is eventually sent in a check to that person who brought the home, they kind of get it, that that is income, that is self-enrichment. And that is why so many people do that if they can afford it, because they like the idea of renting out a facility, having others pay off their mortgage, and they end up owning it. But they understand when people are paying off their mortgage for them, that is income.

Now, it is true I have the luxury of having sold, cashed out, virtually all of my wife's and my assets, retirement accounts, because I believed so strongly in the need to change the direction this country was going. So as it gets reported annually in papers back in Texas, I have less assets than anyone. Right now, because we have such a wonderful nice home, we are trying to sell that. We are in the black when it comes to net assets, but without the home we are not. But I don't have the difficulty that Chairman RANGEL does because I cashed out my assets to live on while I ran to be in this body.

But I took income tax law in law school, and I have read through the income tax forms before. Now, for a number of years, we have an accountant do it. But it is staggering how many people that I have talked to, some who never went to college, but they get the idea that if you buy a home, buy a villa and rent it out, and that rent pays your mortgage and then eventually the rent is sent to you, that is income. In both places, when it is used to pay off the mortgage and when it comes to you, it is income.

And it sure looks like, from the chairman's letter in 1993, that he knew it was, too, at least at that time. But maybe a short time after he wrote that letter, maybe he forgot. And when we hear the stories about the information being in Spanish—and I don't speak Spanish—that makes some sense. But most people would say, I need to get somebody who speaks Spanish to read these documents.

There is a lot more evidence, but that is pertaining to the villa in the Dominican Republic. I think it is wonderful that he was able to have a vacation home like that and have people pay it off for him, but it certainly ought to be able to be discerned by the chairman of the Ways and Means Committee that that is income.

So when we hear talk during that proceeding about precedent, and, you know, even a little modicum of the history about this place, how we got this because of the sacrifice of so many who pledged everything, just as our soldiers do, and then we have someone say, hey, don't forget I served honorably. Well, it broke my heart every time I had to sentence someone to prison who had served honorably but then later was convicted of a felony and came before me as a judge. It was heartbreaking.

And I bet if Duke Cunningham had it to do all over again, a former Member of this body and extremely decorated, as I understand the greatest ace of a pilot that we had in the Vietnam War, I bet he would like to know that the Rangel defense is that if you served honorably before, you don't get in trouble other than having the Speaker tell you to pay back taxes that you owe. What kind of a censure was that?

You would think that a censure is saying you did wrong in very blunt terms. Instead, it sounded like, hey, go pay the taxes that you obviously owe. It's amazing, just amazing.

I did not intend to get into this tonight, but I was so taken aback that someone would here on this House floor and say there was no self-enrichment when the evidence seems to speak for itself. I know that I am limited by the rules as to what I can say about it, but the evidence speaks for itself. How can there be such ignorance about what self-enrichment is? It is staggering.

And then, before I speak, I have to listen to a colleague from across the aisle who tells us that actually Bush gave us $4 gas, in his words. It is nice when people take responsibility for what they have done. It's not so nice when people blame others for the mistakes they themselves have made.

And it is interesting that since the Democratic majority took control of this body and chairmanship of every committee, that they could still blame Bush for everything that happened in 2007 and 2008 even though the Constitution puts the responsibility squarely on Congress to have a budget, to make appropriations, not the administration. They can submit one. But constitutionally, it is this body's obligation to appropriate and not to spend too much money. So how do you keep blaming Presidents?

And yet we know when the Republicans took the majority in 1994 and were sworn in with the majority in 1995, if you believe the Constitution, then it was the Republican Congress that balanced the budget in those days. And if you go back historically and look, although President Clinton takes credit, oftentimes he was rather upset about the things that this Congress did to get the budget balanced. Now he takes full credit and congratulations.

And apparently there was something to having a Congress that was in different hands than the President, because certainly when President Bush took office in 2001, although I wasn't here, there apparently was a giddiness. Wow, we have the House, Senate, the White House. Now we can just spend like we never have before. And all of the restraint the Republican Congress had used in the late 1990s seemed to go out the window. And so we ran deficits, and Democrats were proper to point those things out in my first two years of 2005 and 2006. They are right. We should not have run a deficit budget. But the claim was, if you give us the gavel in January of 2007, we will fix all that. And instead, that is not what happened.

So to continue to correct things that have been said here inappropriately this week, including today, I even heard the Speaker, Madam Speaker herself, say a number of times, once in here, but said many times, it is, in essence, irresponsible to have across-the-board tax cuts, just extend the current tax rate as it is into the future, even though the lowest rate is 10 percent and those that earn the highest amount of money pay 35 percent, and even though common sense would tell you if the rate were 10 percent across the board for poor and rich alike, the rich would still pay more money. The

more you make, the more you pay. Except what many people don't realize is that the people on Wall Street that make so very much money, that contribute to Democrats 4 to 1 over Republicans, they as Art Laffer explains, rich people like that have control over the amount of income they bring in in a given year. They have control over where that income is paid.

□ 1900

They have control over the manner in which it's paid. They can control all kinds of things about their income; whereas, someone who is a wage earner, a brick mason, as Laffer has pointed out, has to lay the bricks where they are. He can't control where he derives income. The wealthy can and have moved from States or cities that increase their taxes too much. The rich can control those things.

So, Warren Buffett, how noble for him to say he should be paying more taxes. Well, it would seem to me to be a whole lot more noble if he'd just pay them, instead of allowing his accountants and lawyers to come up with all kinds of schemes and ways to manipulate the income so he doesn't pay the taxes that he would if he were paying a 10, 15, 20, or 35 percent tax. When you are wealthy, you are in a position to control how you receive income and what years you receive it in.

Many people who are wealthy have been receiving income this year before the rates go up on January 1. I've heard from people who are wealthy that they have money to invest, that they have money that they would like to spend to create housing developments and things; but, you know, there is just too much uncertainty with regard to the taxes, so they're not going to do the building. It would be insane. They don't believe, I think rightly, in starting to build homes when nobody is buying them because nobody is sure what the future will hold in the way of taxes. So those who are in a position to create jobs are not creating them because of the uncertainty created by this majority and this administration.

We've been told, even though we are in December now, that the tax rates will go up greater than they ever have in the history of this country on January 1, so there is all this uncertainty. Capital gains rates shoot up and all of these marginal rates. Every rate of income tax goes up. The thing to do is just extend the rates to give that certainty. But oh, no. We probably would have done that, but there was just too much we had to cover.

Today, for example, we had to take up a debate and deal with the Airport and Airway Extension Act of 2010. Well, obviously, airports are important. We had to take up a debate and take a lot of time to have a recorded vote supporting the goals and ideals of National GEAR UP Day. I mean, some of these things that we took up are nice, worthy things, some of which are very helpful to people.

But how much more helpful would it be to give some certainty to the economy so people could have a real job before we get to Christmas? Give them a job. Give them the hope. But oh, no. We're too busy to give some certainty to the economy so people can start creating jobs again.

We had to take up a bill and debate it on expressing support for the designation of the month of October as National Work and Family Month. That's wonderful and that's fine, National Work and Family Month.

But how much better would it have been to have taken up the issue of the tax rates and made sure they would be stable on into the next year so that jobs would be created? Wouldn't that have been better than spending all this time debating and voting on the congratulations and how wonderful it is to have a National Work and Family Month? I mean, that's nice, but wouldn't it have been better to have actually created jobs and created work so that people could have money to spend on their families?

You know, we passed a bill that gave unemployment benefits for 99 weeks, for goodness sakes, which is expiring. It would have been better to say, You know what? It has been 26 weeks, and you haven't found a job because there isn't one in the area in which you're trained. So, rather than pay you to sit around the house for another year and a half—and I know people are hurting. I know. I understand—it would be better to say, So you didn't find a job in your area of expertise and training and experience in 26 weeks, over 6 months, so we're going to see that you get trained in an area where there are jobs so you'll have the expertise and training in an area where there are jobs so you don't have to sit around the house.

Because people get depressed. They lose their sense of self-worth and value when they don't have a job. Yet this government prefers to keep people as indentured servants and to keep having them reach out to the government for help because we refuse to incentivize people to reach their God-given potential. Instead, we lure them into ruts from which they cannot extricate themselves.

That's what we have done for 45 years with young, single women. Hey, you're bored with high school. I've had women tell me this in court.

We're bored with high school.

I've heard a defendant say it was her mother who said, Hey, just drop out. Have a baby. The government will send you a check.

What? This government is incentivizing people not to finish high school? I know that the Great Society legislation was born out of the best of intentions because there were deadbeat dads who were not helping, and they should have had to have paid a high price; but for goodness sakes, don't incentivize luring people into a rut.

These young women would come in before my court, charged in some cases with felony welfare fraud and others with drug dealing because they would find out, Well, gee. I can't live on this little check for one child who was born out of wedlock, so maybe I'll have another and another and another. Eventually, they are in a hole and they have no hope, and our government lured them into that.

I know there were good intentions, but good intentions are immoral when they deprive people of chance and opportunity and when they lure them into a hole they can't get out of. That is not a government function. That is not what we are to be about. Then there is all of this talk, over and over, about how are we going to pay the $700 billion it will cost if we keep the same tax rates into next year. Well, it flies in the face of the facts, and the facts are very clear.

I know we've heard a lot of opinion on this floor about, gosh, it will be a $700 billion loss. Why? Because that's the kind of thing the CBO says. Why? Because the CBO doesn't deal in the real world. They deal in an area of Keynesian economics where they are not allowed to look at the facts to make predictions for the future. How stupid is that that this body relies on a group like CBO, which has their hands tied, which can't look at history to determine the future?

So they're able to come out and say something ridiculous like, Gee, if you allow the wealthier people in America to have the same tax rate, it's going to cost the American treasury $700 billion. There is no evidence in our history that that has ever happened in reality, that when you have a lower tax that it actually costs revenue.

The fact is—this is when you get into the so-called ''Laffer curve'' that Art Laffer came up with, and it's amazing that some people, particularly MSNBC, cannot figure this out—if you tax zero, you will get zero revenue. It's pretty basic. If you tax 100 or 150 percent—let's say 100 percent. If you tax every dime people make, then they're going to quit working. Why should they work when the government is going to take every dime and they don't get to keep any of it? Why would they work? They won't.

□ 1910

It's very clear. It's one of the reasons the Soviet Union fell.

So somewhere between zero percent tax and a hundred percent tax, you have a percentage that will maximize the return of the revenue to the Federal Government that the Federal Government can then use to carry out its government and its governmental functions.

So there is a point. It's ridiculous for somebody to say, so I guess at zero percent tax, we'll have all kinds of revenue coming in. That's ridiculous. What a bogus thing to say. It's between zero and a hundred. You find the point, and that was the point of the Laffer curve. You get to one point here where

you continue to tax beyond that, you discourage people working and making more money, then they have less money to go out and pay others to do things, like feed them at restaurants or clothe them or to buy a bigger, nicer house or to buy more cars, those kind of things. It stimulates the economy when people have more of their money and they can buy more, do more with their own money.

Of course you don't get more revenue at zero percent. But obviously as John F. Kennedy found when he cut taxes, and as Reagan found when he cut taxes, and despite the misinformation spewed on this floor, the fact is that when taxes have been cut, revenues go up—each time it's been done.

But we have such an ignorant way for CBO to operate. So for this political animal—and I know people say, oh, it's bipartisan. Baloney. CBO is not bipartisan. They can say what they want, but if CBO were really bipartisan, the facts wouldn't be as clear as they are about what CBO has done. They are quite partisan. And I know that Director Elmendorf was not happy when I previously pointed out how well they cooperated with the White House in misconstruing the cost of like ObamaCare after he was woodshedded at the White House, but sometimes the facts hurt and that one obviously did. Because whether CBO and the director realize it or not, they have done the President's bidding. They came in at 200, $250 billion under where they should have been if they had used their own ridiculous rules.

We need bills scored by groups that can look at history and look at reality. And CBO, the Joint Tax Commission, they need to be done away with. We could save money and have more accurate projections, more honorable, reliable projections if we hired that out to independent entities that are allowed to look at real world facts.

So here are some real world facts for all of my friends that are ignorant of the facts of what happens when you cut high tax rates and make them a bit lower. We know that in 2003, these were the tax rates that took effect that have been extended and that we're seeking to extend. Not tax cuts but just to extend the same rates. When those tax cuts were fully implemented after 2003 in which they occurred, we should begin to get some idea of what the real world facts are that CBO cannot rely on, because they're not a realistic entity because of the rules under which they operate.

So 2003, before the tax rates kicked in, those that were operating under the 2002 tax rates and rules, in 2003, the Federal Government took in $1,782,321,000,000 approximately; about $1.8 trillion. The following year the so-called Bush tax cuts had taken effect, so after the $1.782 trillion Federal revenue and the tax cuts went in, gee, did we lose $700 billion? No, we did not. Actually what happened is the Federal revenue climbed to $1.88 trillion. In '05, it jumped up again—to $2.153 trillion. And the next year it jumped up yet again in '06—to $2.406 trillion. Massive gains and increases in Federal revenue after the tax cuts took effect. There is no reality in losing $700 billion when you continue these same tax rates.

But, boy, we will create disincentives for those who create jobs if we don't extend the tax rates across the board for everybody. And for those who are concerned that, gee, they should pay more, they'd be paying more if it was across the board a 10 percent income tax. But they're sure paying more when the lowest tax rate for the poorest Americans is 10 percent and the highest tax rate for the wealthiest is 35 percent. But when that shoots up about another 5 percent come January 1, there's not going to be the incentives to create new jobs. People are going to have to pull back in their horns because they're going to have 5 percent less money to deal with. Not the Warren Buffetts. They'll still have the accountants and lawyers to figure out how they can move income to different places, how they can take it at different times, how they can make it as part of something that is not taxable. All that will happen for the super-wealthy. But there was a book I recall back in the nineties, I believe, about millionaires in America; and I recall reading that the most popular vehicle for millionaires in America to drive was not what one might think. Not a Lexus, not a Mercedes, not a really high-powered car. The most popular vehicle according to what I read for millionaires in America was a Ford F–150 truck. And yet friends across the aisle try to paint millionaires as being these mean-spirited people that just want to take all the money for the poor. They'd like to hang on to what they built in their lifetime and they paid taxes on, but these aren't the Warren Buffetts or the Bill Gates or the Michael Dells where they can adjust income the way they take it and avoid paying taxes at the same rate as people even in the lowest tax rate. These are people who build businesses from nothing and then along comes the Federal Government at the end of their life, and it will start again January 1, and the Federal Government says, ''You know what, you worked too hard, you saved too much, and we're going to take 55 percent of everything you saved.'' So for most of these small businesses that are built from scratch and most of the family farms that are built over generations as my great aunt and uncle did, over generations, the Federal Government comes in and says, you know what, like in the case of my great aunt, Lilly, you know what, you got 5,000 acres—I'm sorry, she had around 2,500 acres, valued originally at the time of her death at around $2,000 an acre, it was approximately a $5 million estate. And so we're going to take 55 percent of that, we'll give you an exclusion and take 55 percent of that. But within a year the values, because there was a lot of dumping of land around there, FDIC, dumping land, values fell six, $700, so the IRS took every single acre of that farm that took over a hundred years and generations to build. It is immoral. It is immoral for this body to say, you worked too hard, you saved too much, you accumulated things for your family, so we're going to take over half of it. That's outrageous. It needs to stop.

But the gavel was handed to the Democratic majority in January of '07, so we have to give some credit where credit's due, despite what my friend across the aisle said about Bush giving us $4 gas. Actually he was trying to do things like drill in areas that would have brought down the price of gasoline. Yet this administration and this majority, this majority beginning January of '07 began to take actions, it seemed like it was basically monthly, where we were putting more and more land off-limits to drilling, off-limits to production of minerals and oil and gas and things that people relied on to have lower gas prices.

□ 1920

So let's give credit where credit is due.

Then I heard on Greta Susteren's show, when she interviewed Donald Trump, he had the solution to creating more jobs in America. He said, What you have to do is create more jobs in America. He kept saying, What you've got to do is just create more jobs in America. It's like what comedian Steve Martin used to say, I'm going to write a book on how to have $10 million and not pay taxes. Okay, I'll tell you how it goes: First you get $10 million, and then you just don't pay taxes. I mean, to say the way to solve the problem is to create jobs, well, of course. But eventually she pinned him down and asked him, what specifically would you say to do? He said, I would put a 25 percent tariff or tax on everything that we buy from China and that will solve the problem. As smart as that man is and as well as he has done, obviously he hasn't spent his life in government service because unless you are able to figure out things I haven't that you can do legally, you don't make a lot of money. You know, $170,000 sounds like a lot, but not compared to what you could do. But 25 percent tax on everything we buy from China? He doesn't realize that triggers all kinds of penalty provisions of all kinds of treaties that we have? He doesn't realize what that would do in starting a trade war that we probably could not win? Shocking.

You want to get jobs going, the thing to do is to eliminate the 35 percent tariff on every American good produced by an American company in America. Get rid of the 35 percent tariff—because that's what a corporate tax is now, let's be real about it; it's a 35 percent tariff on every American corporate good that we sell. You cut 35 percent

off the price of American goods produced in America by American companies and they will be able to compete worldwide.

Madam Speaker, thank you for the time. I hope we will eliminate the 35 percent American tariff on American goods.

STOP THE POLITICAL POSTURING

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

Mr. DEUTCH. Madam Speaker, the holiday time is upon us when Americans from all walks of life rejoice in our shared values of generosity, good will, family, and thankfulness. Yet, this cherished holiday spirit is absent here tonight as Congress once again finds itself in partisan gridlock. This is doing absolutely nothing to ease the worry felt by families across America during these difficult times.

Tonight the clock is ticking for 2 million Americans unable to find work and on the verge of losing their unemployment insurance. They worry, and they worry greatly, how they will meet their next mortgage payment, how they will put food on the table, or how they just may be able to afford a gift or two for their children this year at this season.

Likewise, tonight millions of workers across America wonder if a tax increase is headed their way. They have been suffering from stagnant wages and fewer hours for years, but without these tax cuts they know times will get even harder. They are not asking for much, just a few extra hundred dollars in their paychecks next year, yet they are holding their breath tonight because those on the other side of the aisle are holding middle class tax relief hostage in favor of tax cuts for millionaires, holding off providing tax relief to the middle class at a time when it is so desperately needed.

Tonight, the retirees in my district and all across America worry that their needs are going unnoticed by Congress. Already just today in the United States Senate Democratic efforts to provide some measure of benefit to seniors who have now gone 2 years in a row without a cost of living adjustment to their Social Security even as their costs go up every single year, efforts to provide them with just a payment to help them through these difficult times were cut off as a result of this partisanship.

Come January, if the Republicans have their way, health care reform will be repealed and the donut hole will be reopened, saddling seniors with massive prescription drug bills. In short, political posturing is threatening to reverse the progress that this Congress has made, and more importantly, at this difficult time it is political posturing that threatens to hold up the middle class tax cuts, that threatens to hold up an extension of unemployment benefits even as 2 million Americans are starting to see their benefits end, and it is indeed this posturing that will make things exceedingly more difficult for our seniors.

So instead of giving middle class Americans some peace of mind this holiday season—which is what we absolutely ought to be doing—the Republicans in Congress are demanding another $700 billion for those who don't need that tax cut right now. At least if there is to be a debate, a further debate on the merits of that tax cut, let's do what everyone wants, what everyone knows is necessary, and provide that tax relief to the middle class, and let's do it now.

Now nothing drove home some of these misplaced priorities—placing profits all too often ahead of people, and more importantly and obviously these past few days, putting partisan gain ahead of old-fashioned compromise, compromise that Americans want us to make—nothing drove that home for me more than a recent letter I received from a dear friend, a mother with a child who needed some medical care. I would like to read this letter on the floor of the House of Representatives today because I would like to give voice to the millions of mothers and fathers across America who have felt the anxiety and the powerlessness that comes when a child is sick and a health insurance company denies a claim.

The letter reads as follows by my friend Amy. She said, ''Losing control was a luxury that I didn't have. And yet my hands were shaking uncontrollably as I held the letter from the insurance company about my 6½ year old son's third open heart surgery. 'Patient. Date of birth. Description of surgery: Replacement of aortic valve. Elective.'

''Elective? Oh, that's right, we were electing to save my little boy's life. I felt myself about to explode, literally explode. Blood and guts and that second bowl of pasta that I should never have eaten anyway would be splattered all over the over-priced Turkish rug on our bedroom floor. Three, two, one, and then I held it in because I am a mommy, and I had to keep it together for my three young, beautiful, willful boys, one a kindergartner with congenital heart disease whose heart happened to be failing again, and who just the other day asked, 'Mommy, if I have to go to heaven early, will you go with me?'

''I glanced up from the letter at my husband who had handed it to me moments ago, my sweet, it-will-all-work-out husband who right now looks so small and tired and helpless, and I said with all the conviction of a mother who's got nothing to lose and everything to fight for, 'I'm going to bomb them.' He burst out laughing. 'No, seriously. I'm going to the store to buy vinegar and dish soap and pop rocks—or whatever you're supposed to mix together.'

□ 1930

''More uproarious laughter that quickly trailed off when he realized I wasn't laughing, too. 'You are joking, right?'

''And that's when I understood them: those crazy people on the news who sometimes just snap. I got how someone could wake up one day and just lose it and how that someone could be me. I defiantly told my increasingly worried looking husband that the insurance companies should not mess with the mommy species. When I told one friend about my violent thought, she offered, 'I'll come light the fuse.' Another said if I was sent to prison, she would go with me in solidarity. Plus, I could stand to go on a bread and water diet if I'm ever going to fit into my jeans.

''Truth is,'' my friend writes, ''there's not a single mommy I know who wouldn't go to jail to protect her kids. Certain things in life just are not a choice. They are a given. Like,'' she wrote, ''my son's upcoming surgery. I looked down at the letter and felt another wave of anger overtake me,'' she writes. ''I mean, I had my issues with our Nation's health care, but even I didn't think it had gone that far astray. And yet, how dare they, them in that office building so far removed from anything our family was going through, call our son's being hooked up to that damn heart-lung machine for 7 hours . . . elective?

''Here are some of the only things that I deem elective about fixing my son's heart:

''After his last open-heart surgery, when he started slipping into a coma, I elected to kick the nurses and doctors in the Cardio-Thoracic Intensive Care Unit out of his room and screamed at my son—yes, I literally yelled at the poor beautiful boy lying there with breathing and chest tubes and other grotesque wires spilling out of him. 'This is your mommy talking, you hear? Wake up, dammit. Don't you even think about leaving me. You're just a kid—you don't even know how to swim.'

''Twenty minutes later he miraculously woke up, and we're still working on the swimming.

''Recently, soon after we had to quarantine our son so that he would be germ-free for this latest operation, I elected to have Botox injected over my eyebrows,'' she writes. ''I wanted to make myself look perkier so no one would think that I was worse for the wear from this ordeal and, God forbid, feel sorry for me.

''When a child died somewhere in the Midwest, his parents elected to sign the organ donor form so that my son could have his valve to save his own life. There are not enough benefits in the world assigned to that kind of heroism.

''But what of the insurance letter in my hand? 'I'll call them tomorrow,' my husband said. 'We'll straighten it out.' And then more uproarious laugher.

This time it wasn't my husband laughing, but our three willful boys who just that second ran into our room shooting one another with Nerf guns.

'''I got Evan on the butt,' Noah screamed, exhilarated. 'So what? That tickled.' Evan recoiled on the floor with laughter, but not before he nailed Benjamin with three foam darts in the back of his head.

''Yes, technically the family rule is not to shoot at a person, but who were we were to interfere with this kind of unbridled frivolity? That was something that we would never elect to do.''

I would like to thank my friend, Amy, for allowing me to share her story tonight.

It was horror stories like these that propelled this Congress to move forward on health care reform, to reform a system so that no family is put into a situation where life-saving surgery can be deemed elective.

And as we stand here at this holiday season, the Members of this Congress, the Members of this House of Representatives, all 435 of them, the Members of the United States Senate, all 100 of them, all 535 of us who are employed, who have the benefit of working for the citizens of the United States, have a duty to those citizens, at this time of year in particular, to ensure that those who don't have jobs don't see their benefits cut off so that they're not cast aside at this holiday season unable to pay their mortgage, unable to afford a gift for their children.

We spend a lot of time on the floor of this House debating the grand issues of the day, and I look forward to coming back here in January in the new Congress and having great debates about the future of our education system, about the war in Afghanistan, about the best ways to reduce our deficit, about how we reduce our dependence on foreign oil. These are important debates that we need to have. But how can we let partisan gridlock, let the obstructionism that we've seen these past few days, how can we see that stand in the way of extending unemployment benefits to those who desperately need it, stand in the way of middle class tax cuts for those whose wages have been stagnant for so long, and stand in the way of providing just a little bit for the seniors who are struggling as well in this terribly difficult economic time?

I heard a lot about what people expect we should learn from the outcome of this election. And the one thing that's perfectly clear to me, and should be clear to all of us, is that the American people want a Congress that works for them, that does their business, and that puts the Americans' interests ahead of the political interests of those of us who are privileged to serve here.

When we come back next week, let us resolve to do what needs to be done at this difficult moment to ensure that those who don't have work can get by, that those who have been getting by can get the benefit of a tax break, and that those seniors who have given so much for so long can receive the benefit of a payment in lieu of two straight years without a cost of living adjustment.

Madam Speaker, I look forward to coming back to perform that work. I look forward to casting those votes, and I look forward to having those debates. The days in this 111th Congress are short, but the people want us to get this done. It is time that we remember why it is that we have been sent here. Working together, we have to provide what everyone knows needs to be provided and to take those first steps as soon as we can upon our return.

Madam Speaker, that's what's at stake right now. Let us not get so caught up in this holiday season to think that the joy that so many of us feel is felt all around the country—not when things are so difficult for so many. Let us be thankful for what we all have, but let us work to ensure that everyone has at least a bit of joy this holiday season.

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

HONORING IKE SKELTON

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

Mr. LANGEVIN. Madam Speaker, I rise tonight with a heavy heart to pay tribute to someone who has been a valued adviser and a dear friend to me in my 10 years in this House.

Congressman IKE SKELTON has served the Fourth District of Missouri and the Nation with honor and integrity for 34 years. And let me just say that his presence will certainly be missed by me and by so many others.

As a freshman member of the House Armed Services Committee in 2001, I looked to IKE, then our ranking member, as a mentor and a guide on so many critical and complex issues facing the committee. Later, as the chairman of the House Armed Services Committee, his commitment to our troops and our security truly set the standard for all of us on the committee. And the example he set helped to bridge the partisan, geographical, and personal differences that have too often plagued us and stood in the way of progress.

□ 1940

IKE SKELTON has truly made a profound difference in advocating for and leading on behalf of our men and women in uniform to make sure that they always had the tools and the resources that they needed to do their job, do it well, and to come home safe.

Of course, as much as I have admired him as a leader on national security, let me just say that I have also felt a very separate and even more personal connection to IKE as well. IKE SKELTON, like me, has for many years lived his life with his own disability. And from those experiences, both of us have learned at a young age that life often takes a very unexpected path. That path has led us both to a career that neither of us could have ever imagined or expected, lying in a hospital bed all those years ago and contemplating what the future might hold for us.

But clearly, IKE SKELTON overcame his own physical challenges and made a difference for others. And now, as his long and inspiring career in Congress nears its end, I wanted to offer Chairman IKE SKELTON my deepest and most profound gratitude for his leadership, his wisdom, and for his friendship.

IKE, it has been a true honor to serve with you. I thank you for the decades that you have dedicated to this House. I thank you for the difference that you have made in fighting on behalf of our soldiers, our men and women in uniform, fighting for them to make sure that they always had what they needed to continue to serve and be effective. This country and this House have been a better place because of your service.

Thank you, and God bless, and Godspeed.

PEAK OIL—THE GROWING GAP

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

Mr. BARTLETT. Madam Speaker, I have come to this floor nearly 50 times to talk about an energy subject. The last time that I was here in the well addressing this subject was about 2 years ago. During those nearly 50 appearances, I came here as a prophet. And now I return to the floor as a historian, because the event that I was concerned about and predicting has in fact occurred.

Let me explain. In the middle of the last century, two speeches were given by men just about a year apart. I am not sure they even knew each other. They both talked about the same subject. The first of those speeches was given in 1956. It was, I think, the most important speech of the last century. It was given by an oil geologist to a group of oil men in San Antonio, Texas, in 1956. At that time, the United States was king of oil. We produced more oil, we exported more oil, we used more oil than any other nation in the world.

M. King Hubbert predicted to that audience that in just 14 years the United States would reach its maximum oil production. That would be in 1970. And then we would produce less and less each year after that. Remember the context. The United States is in 1956 the largest oil producer in the world, the largest oil exporter in the world, the largest oil user in the world. This was an absolutely preposterous prediction. And so M. King Hubbert was relegated to the lunatic fringe.

Just a year later, about a year later, the father of our nuclear submarine

gave a speech in 1957, May 15, I believe, in St. Paul, Minnesota, to a group of physicians. The audience is irrelevant. You can Google and get this speech. It was found a few years ago, and it's now on the Internet. If you Google for ''Rickover and energy speech'' it will come up. His speech had nothing to do with the audience that he was talking to, because he could have been talking to any audience.

Hyman Rickover noted that we lived in what he called this golden age of oil. We had been about 100 years into that age of oil. And he noted how much of the quality of life that we enjoyed then was a result of having discovered how to exploit this resource that we found under the ground.

Every barrel of oil—and when I first heard this statistic I was unbelieving; how can it be?—every barrel of oil has the energy equivalent of 25,000 man hours of effort. That means when oil was $12 a barrel, that wasn't all that long ago, you could buy the energy-enhancing qualities of a person working for you all year long, and you could buy it for $1. Because there are 12 man-years of effort in a barrel of oil.

When I first heard that statistic, when I first read it, I thought, gee, that can't be true. And then I thought: I drive a Prius car, and it gets an honest, if you are careful the way you drive, about 50 miles per gallon, a little less in the winter. With the winter blends you don't get quite the same mileage. And you know, if I pushed my Prius 50 miles I could do that, but it would take me a long time to pull and push my Prius 50 miles. And just one gallon of oil, one out of the 42 gallons in a barrel of oil, will take my Prius 50 miles. So I thought, well, gee, that's probably true, isn't it, that there are 25,000 man hours of effort in one barrel of oil.

Hyman Rickover made what I think was an obvious statement. He was a scientist, of course, and he made what I think was an obvious statement, and that was that oil would not last forever. And he said that in the 8,000-year recorded history of man that the age of oil would be but a blip. He had no idea how long the age of oil would be. When he spoke, we were about 100 years into the age of oil. He did not know how long it would last, but he was certain that in the 8,000-year recorded year history of man it would be but a recorded blip.

We now know how long the age of oil will last. By the way, he made several very meaningful statements. One of them was that how long it lasted was important in only one regard. The longer it lasted, the more time we would have to plan an orderly transition to other sources of energy. Of course, we have done none of that.

We now know how long the age of oil will be. We are now about 150 years into the age of oil, and we are not going to run out of oil for a while. But what we are running out of is our ability to produce oil as fast as we would like to use it.

Back to M. King Hubbert and his speech just the year before Hyman Rickover gave his speech in St. Paul, Minnesota. Fourteen years elapsed; and sure enough in 1970, and we didn't know it in 1970 because we had to look back a few years after that to see that was it really true. But in 1970, we indeed did reach our maximum oil production in the United States. If you look back now at the oil production, it's very obvious that that was true.

By 1980, it was conspicuously true. We were really, really now moving down the other side of what is frequently called Hubbert's Peak. And so I tell audiences that we have now blown 30 years when we knew of an absolute certainty that M. King Hubbert was right about the United States: we did peak in oil production in 1970. And he predicted that the world would be peaking about now.

Now, it's very rational that the United States would be a microcosm of the world. And if he was right about the United States peaking in 1970, shouldn't we have had some concern that he might just be right about the world peaking about now?

□ 1950

We peaked in oil production in spite of the fact that we have found oil in Alaska and the Gulf of Mexico that M. King Hubbert did not include in his prediction. And in spite of the fact that we have now drilled more oil wells than all of the rest of the world put together, not only have we peaked in oil production, but we have slid so far down the other side of Hubbert's Peak that we now produce just about half the oil that we produced in 1970.

As a matter of fact, we have only 2 percent of the known reserves of oil in the world, and we use 25 percent of the world's oil. We really know how to pump oil because with that 2 percent of the world's reserves of oil, we pump 8 percent of the world's oil.

What that means, of course, is that on the average, our wells are going to run dry sooner than the average well around the world, because we are pumping our oil four times faster than the average well in the world.

I have some charts here that may illuminate what we have been talking about. I have not seen the sequence of these charts, and so we will just speak to them as they come up.

The first chart is what is known as the oil chart, ''Peak Oil, the Growing Gap.'' If you had but a single chart to look at to tell the story of where we have come from and where we are going, this, I think, would be the chart.

As you can see it, it's a little out of date, because we were predicting the future back there in, what, about '05 and now we are at 2010. And when we get to that part of the chart, we will see how very correct this chart was in its prediction.

The vertical bars here are the discoveries of oil and when we discovered it, and notice that back in the late 1930s and 1940s there were some meaningful discussion and, boy, they just crescendoed through the 1960s and the 1970s and some in the 1980s.

Now, this solid black line here is our consumption of oil. And, of course, the area under that curve indicates the total consumption of oil up to that time. So you can see, up until the 1980s, we were discovering oil faster than we were using it. So we were accumulating an ever bigger and bigger reserve of oil. That's all of this oil above that use line.

It's a production line and a use line. We didn't store any. We used it as we produced it, so it's both the pumping of oil and the consumption of oil.

Now, since the 1980s we have had to dip into these reserves because our discovery of oil has fallen down and down and down since the 1980s. As a matter of fact, we now find only about one barrel for every four or five or six barrels of oil that we pump.

Now, you can make some predictions about the future from this oil chart, how much oil would we be using. This is the world, by the way, oil production, and world use of oil and how much reserves do we have left and how long will they take us. You can make some guesses about how much more oil we will find, and we are now finding some meaningful reservoirs of oil. We may find a reservoir of oil that has 10 billion barrels of oil. Wow, that sounds like a lot of oil, doesn't it?

And maybe our concerns about the future of oil go away when we find 10 billion barrels of oil. We use 84 million barrels of oil a day in the world, and it's pretty simple arithmetic to figure out how many times 84 million goes into a billion, and it's a bit less than 12. What that means is that in less than 12 days the world uses a billion barrels of oil. What that means is when they tell you that we have discovered a field of 10 billion barrels of oil, that will last the world 120 days.

Now, how much more oil will we find? Much of the oil that we are finding now we are not pumping because you can't even develop those fields at, what, $85, $90 a barrel, wherever we are today with oil, because it has got to be more expensive than that before you can afford to develop these fields and pump the oil.

And, also in these new fields, which are generally very deep, maybe under 7,000 feet of ocean and 30,000 feet of rock—as some of the big finds in the Gulf of Mexico were—oil has to be a bit higher than it is today before you can afford to develop these fields and then one never knows how much oil you are going to get, in fact, from those fields.

Well, back to the oil chart here. If you look at, oh, here's the 1970s, remember the Arab oil embargo and the big shocks that we had in the 1970s? That produced some traumatic and very fortunate changes in the world, and its use of oil.

Notice, notice this exponential curve up to the 1980s, to the Arab oil embargo, the 1970s and 1980s. Had that continued, had that exponential curve continued, it would be now off the top of the charts. That was a real shock to the world's economy and to our country, and we developed some more efficient ways of using energy. So now with more people living better, the slope now is very much lower than that previous slope.

I just want to pause and reflect for a moment on this exponential function because it is a poorly understood function. When someone tells you that there is enough coal, for instance, to last us 250 years at current use rates, be careful to note that at current use rates.

Now the National Academy of Sciences says, in fact, we probably don't have 250 years of coal at current use rates. It's probably closer to 100 years of coal at current use rates because we haven't really looked at those reserves since the 1970s.

But let's say that we had 250 years of coal at current use rates, and we are going to increase its use only 2 percent. Now, that's not much. As a matter of fact, our stock market doesn't like an economy that's growing at only, at only 2 percent. But if we increase the use of oil just 2 percent, the 250-year supply drops to 85 years. You see, just 2 percent increase in growth doubles in 35 years; it's four times bigger in 70 years; it's eight times bigger in 105 years; it's 16 times bigger in 140 years.

There is a very interesting story about the exponential function. I don't know whether it's true or not, but it's a nice story.

Chess was invented in an ancient country, and the king was so impressed with the contribution that he told the inventor of the chess game that he would give him anything he wished up to half his kingdom. And the inventor of the chess game said I am a very simple man, I have simple needs. If you will just take my chess board and put a grain of wheat on the first block and two grains on the second and four on the third and eight on the fourth and just continue doubling those grains of wheat until you have reached the last of those, what, 64 blocks on the chess board, that will be adequate, sir.

□ 2000

The king thought to himself, silly fellow. I would have given him anything up to half my kingdom, and all he asked for is a few grains of wheat on his chess board.

Had he been able to make that contribution, of course, it would have consumed all, it would have consumed more than a decade of all the world's production of wheat. This is the exponential function, doubling it. So whenever you hear somebody say, we have so much of gas or coal or oil or whatever it is at current use rates, please calibrate that. What does it mean if we increase its use? And by the way, we are going to be needing to use coal for things other than just coal and stoking a furnace and making electricity. We would like to make some oil out of it as Germany did during World War II and South Africa did. And you can make some gas out of coal. And if you use some of the energy from coal to convert it to a gas or a liquid, if you have this 250 years—which we don't—and it drops to 85 years at only 2 percent growth rate, it then drops to 50 years if you use some of the energy and divert it to gas or liquid.

And then there's another very interesting reality that you will deal with whether you like it or not. You will share your oil with the world. You can't avoid it because if you were using the oil you've produced from your coal, someone else will be buying the oil from Saudi Arabia that you might have bought. So the reality is that you will share it with the world. Since we use one-fourth of the world's oil, 4 goes into 50 12½ times. What that means is that now this 250 years of coal, reduced to 85 years with only 2 percent growth, reduce to 50 years if you use some of its energy to convert it to a gas or a liquid, and then it shrinks to 12½ years as you share it with the world, as you must, because there is no alternative if you use oil produced from your coal; someone else will buy the oil you might have bought from Saudi Arabia or some other oil-producing country.

Well since the 1980s we have been consuming some of the reserve because we've not found enough oil to meet our needs. Now this chart, as you can see, the actual known amounts, ended in about 2005. And then you see the lighter shaded part on the other side where it shows their prediction. And they predicted that oil production worldwide was going to peak in about 2010. Here we are. Now I think a little later we will have some charts that show, in fact, that that was true.

Now what happens from now on? You can make your own guesses as to what is going to happen from now on, you can make your own assumptions. We have still much of this reserve left that we can pump, fortunately. This amount we've pumped here is just about this amount. So we have about this whole amount here covered by my hand that we can yet pump.

Now we're going to find some more oil. The chart here shows an orderly downward progression because the more you find, the less there will be to find in the future, so the less you are going to find in the future. It will not be like that. It will be up and down like this, but it is going to be down and down because most of the large fields that will be found have been found. So you can make your own assumptions about where this is going in the future by assuming how efficient can we get, how much conservation are we going to do, how much more oil will we find. But from this oil chart, you can do a lot of predicting about what the future is going to look like.

This next chart is a quote from Admiral Hyman Rickover in this talk that I mentioned that he gave to this group of physicians in 1957, There is nothing man can do to rebuild exhausted fossil fuel reserves. They were created by solar energy 500 million years ago. It took eons to grow to their present volume. In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect—the longer they last, the more time that we have to invent ways to live off renewable or substitute energy sources and to adjust our economy to the vast changes which we can expect from such a shift.

Now, of course, we have done none of that. We and the world in general have behaved as if all you need to do to find more oil is to go look for more oil and it will just be there if the market incentives are appropriate.

I love this next paragraph: Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

This is Hyman Rickover's statement. One might conclude looking at the behavior of our civilization that this is precisely what we have done. I have 10 children, 17 grandchildren, and two great grandchildren. Would it be okay if I wanted to leave them a little oil? We are leaving them a huge debt. And wouldn't it be nice if they had some oil, gas and coal? Now they will have some. But as we will see in future charts, it will not be what they would like to have.

This is a fairly new chart, and it shows what I predicted. I said that I was a prophet because nearly 50 times I came to the floor, the last time about 2 years ago, then I was predicting that conventional oil was going to peak. And here they show it. This is the dark blue. Look at it. 2010, it's peaked. And they recognize that the world situation will not be meaningfully different from that in the United States, that it's going to go down, down, down. And here it goes.

Now they're making an assumption here that you may or may not agree with. I hope they are right. I doubt that they are right, because what they say here, and this is crude oil fields yet to be developed, and this red is crude oil fields yet to be found. And they believe that by 2030, that's not very far in the future, that by 2030, about two-thirds of all the oil that we will be using will have come from fields yet to be developed and fields yet to be found.

Now there are many experts in oil that will tell you that this is a happy dream, that there is little chance that that is going to happen. Now we have some other sources of oil. We have natural liquids, and they see those growing. We have nonconventional oils, and

they will grow somewhat. These are heavy, sour oils, for instance, the kind that we get from Venezuela. It's the oils that we get from the oil sands in Alberta, Canada, at considerable expense of energy, environment, and so forth. Well this same chart produced 2 years ago would not have looked like this because just 2 years ago, the same people that give you this chart today would have had conventional oil production going up and up. So now there is a recognition that conventional oil production has, in fact, as predicted by M. King Hubbert, peaked in the world. It peaked in our country in 1970.

The next chart shows some detail of that peaking. There are two entities in the world that do a really good job of tracking the production of oil. They do not do as good a job in predicting the future of oil production. They do a very good job in tracking how much oil is being produced. One of those is a part of our Department of Energy, the EIA; the other is a creature of OECD, the IEA, and you see those two curves here, and they both show essentially the same thing, and that is, in the 3 years before the recession, oil production was flat across the world, 84 million barrels, a little over 84, 85 million barrels a day of oil production.

Now, pretty simple economics: With flat production and increasing demand, what happened to the price of oil? Oh, here it is. Now this chart only goes to less than 100. You remember it went to $147 a barrel a little bit later off this chart? Well now we had the recession worldwide and demand for oil dropped conspicuously.

□ 2010

The price of oil momentarily dropped from $147 a barrel to less than $40 a barrel. The world's economy has begun to recover now, and the price of oil is slowly inching up. It is $85, near $90 a barrel.

I am reading a book brought to me by an oil scientist, an engineer from Canada, and he makes a prediction that I have been making, so I have some additional confidence that I can restate that prediction. It is that unless we do something really serious about conservation and about efficiency and about husbanding the fossil fuels that we have remaining, that the next recovery will be short lived; because as the world recovers, it will demand more oil and there will not be more oil because we have plateaued, and so the price will go from $100 to $150 to $200 a barrel and the economy will be squelched.

Four years ago I led a codel of nine Members of Congress to China to talk about energy. I was stunned. They began their discussion of energy by talking about ''post oil.'' Now, in our country and in the Congress here we have a lot of trouble thinking beyond the next election because it is really important that you get yourself reelected. And our businesspeople have trouble thinking beyond the next quarterly report because, gee, that better look good or the stockholders are really unhappy and the board of directors may replace you if that doesn't look good. So it came as quite a surprise to me that here are people who are looking a long way down the road. We are not post oil yet.

By the way, I say we know how long the age of oil will be, and it will be about 300 years. Hyman Rickover said that in the 8,000-year recorded history of man, the age of oil would be but a blip. He had no idea how long it would be in 1957 because we were there on the ascending part of Hubbert's peak. But he knew that it was finite and he knew that it couldn't last forever and knew that in the 8,000-year recorded history of man that the age of oil—the golden age, he called it—would be but a blip. We now know how long the age of oil will be. It will be about 300 years.

We are about 150 years into the age of oil, and we are not running out of oil. There is a lot of oil left out there; at least as much more oil to pump as we have pumped in the last 150 years. But for the future, that oil will be ever harder and harder to get and more and more expensive. We are now slipping down the other side of Hubbert's peak.

We have talked a lot about Hubbert's peak, and here is some old data on Hubbert's peak. It went up in 1970, and then down. You see where we are today. The actual is the green squares there. We now are down to less than half the oil that we have produced in 1970. That is, again, from drilling more wells than all the rest of the world put together, from finding oil in Alaska and the Gulf of Mexico, which we didn't expect to find.

There are two other interesting things on this chart. Hubbert's prediction was the little yellow triangles here. The actual production from the lower 48 is the green. If you add the oil we found—and remember the huge find of oil in Canada and Alaska, and I have been there. I have been at the beginning of that 4-foot pipeline. It was just a blip in the downward slope of Hubbert's curve. Now, there are those who would like to convince you that Hubbert didn't know what he was talking about because there is a huge difference, they will tell you, between his actual prediction and those green rectangles.

Now, I think the average person looking at that would say, gee, he got it pretty close, didn't he. Now a statistician looking at it might say he kind of missed it. He predicted that we would peak in 1970. We peaked in 1970. We are now about half of what we were producing in 1970.

I mentioned, when we put our first chart up, that if you had only one chart, that would be it. I think if you were allowed a second chart to give you some idea of the challenges we face, this would probably be that second chart.

This is the world according to oil. This imagines a world in which the surface area of a country is relative to how much oil the country has. So the more oil the country has, the bigger it appears on this map; and the less oil a country has, the smaller it appears on this map. And then the things are colored. The coloring is who uses the oil. Well, you can't read this, but yellow is the biggest users of the oil. That shouldn't surprise you. That is us. The blue is the next biggest users, and green next down the line.

Well, look at this chart. Saudi Arabia is pretty big. As a matter of fact, it is 22 percent of all of the land mass in all the world if the surface area of a country is relative to how much oil it had.

And look at little Kuwait there. It looked like a little province on the corner of Iraq to Saddam Hussein when he wanted to claim it. Wow, look at how much oil it has—just about as much Iraq has. And Iraq and Kuwait and Iran are big oil producers.

By the way, look at Iran there. It is a pretty big oil producer, and notice its color. It is blue. It uses a lot of oil. Not nearly as much as we use, but it uses a lot of oil. The truth is that, within a decade, Iran will be an oil importer if their domestic use continues at its present rate and they do not increase their production.

Just looking at production in these OPEC countries, back when the world could produce more oil than it might use, if they produced extra oil, it simply drove the price of oil down. Remember when OPEC got together and decided to reduce the production of oil so we can keep the price up. And then they said the amount of oil that you can pump is a certain percentage of your reserves of oil. So OPEC countries that wanted to pump more oil, they just suddenly had bigger reserves of oil without finding any new oil. They just said they looked at it again, the statistics, and they had more oil than they thought. Well, having said that, they could then pump more oil. So we really aren't sure what the size of these countries are, but they are big. But we aren't sure how big, because we are not sure how truthful they were in what they said about their reserves.

By the way, they pumped oil for 10 years, and they still had as much oil to pump as they had 10 years ago, without finding any new oil. So there is a lot of suspicion about how much oil is really there. But there is a lot of oil there, and the size of the countries, the oil reserves are relatively what is shown here.

Our biggest importer of oil is Canada. Until a bit ago, our second largest importer of oil was Mexico. That has been replaced now by Saudi Arabia.

Look at Canada and Mexico. They don't probably have much more oil than we have. Canada has way less than we have, maybe half to a third, yet they are our biggest importer. They can do that because they don't have very many people in Canada to use the oil.

Mexico, which has two-thirds as much as we, they were our biggest exporter of oil. We got the second largest amount of oil from Mexico until recently. They have a lot of people, but they can't afford to buy the oil, so they are exporting the oil.

□ 2020

The second-largest oil field in the world was the Cantarell oil field in Mexico. This was an interesting field. There was a Mexican fisherman by the name of Cantarell, who brought his fishing nets in, because they were fouled with oil, and took them up to Pemex, which is the national oil company in Mexico. If your fishing nets are fouled with oil, you know who to go to because all of the oil is owned by the national company there.

So they finally said, Gee, where are you finding all this oil? We didn't know we'd spilled that much oil.

He said, Come. I'll show you.

He showed them, and it was kind of bubbling up out of the ocean, and they had drilled there.

For a number of years, it was the second-largest oil field in the world. The largest, of course, is the huge Ghawar oil field in Saudi Arabia. The Cantarell oil field in Mexico is now in rapid decline, falling about 20 percent a year.

Look at Venezuela. Wow, it dwarfs us, doesn't it? Venezuela has—what?—two, three times the amount of oil that we have.

See if you can find Europe on this map. Here they are. They're tiny, tiny little countries. Lots of people. Little oil. Dependent on somebody else.

The really remarkable thing, though, is China. It is blue over there. It's getting close to yellow. Just a few months ago, China surpassed us as the largest CO_2 emitter in the world. There are 1.3 billion people in China.

Look at India. Dwarfed. Dwarfed by China. Here it is. There are a billion people in India. Through the miracle of communications, these people know the benefits of an industrialized society, and they are demanding of their leadership those benefits, so there is a huge, huge demand for energy in China and India, and they have very little.

Russia. I think Russia is now the largest exporter of oil in the world. They don't have the most oil, not by a long shot, and most Russians are too poor to use much oil. They are very aggressively developing their oil fields, and so Russia is now a major exporter of oil. But note the relative size of Russia. I would think Kuwait is probably larger than Russia, isn't it?

Well, you can imagine all of the geopolitical frictions that are going to occur in the future as the availability of oil becomes less and less, as it is harder and harder to get and as its price goes up and up. What do you think will happen with the demands and the tensions in the world?

Well, as I've said, if you had two charts to look at, the oil chart—the first one we showed, I think—would be the first one. This would be the second one because there is an awful lot that you can conclude and surmise from this chart.

Now, this chart was implicit in the last chart that we showed you, but this shows it more dramatically. This left-hand bar is the top 10 oil and gas companies on the basis of oil production in 2004. That was a few years ago, and it would be a bit different now.

Gee, here are the big boys, those huge corporations that can have a $1 billion profit, which is not excessive because it's a lesser percentage than the smaller, profitable, little company. Here they are: Exxon Mobil, Royal Dutch Shell, BP. They have only 22 percent of the top 10 production. Seventy-eight percent of that is all in country-owned oil facilities. Look at them: Saudi Arabia, Iran, Mexico, Venezuela, and so forth.

Now, the picture is even more distorted if you look at the right-hand bar. These are the top 10 oil and gas companies on the basis of oil reserves in 2004. The big actors in our country don't even show up on that chart. They own so little oil that they're not even among the top 10. They don't even exist on that curve. There is only one that is only kind of not national, and that's Lukoil, in Russia, which is 2 percent. Otherwise, all of the reserves, the top 10 largest reserves—all of those—are owned by countries rather than companies.

I mentioned that I went to China. I led a CODEL there—there were nine of us—to talk about energy. They began their discussion of energy by talking about ''post oil.'' That kind of blew me away that they were thinking this far ahead. Then they had a five-point program, and everybody knew it. It wasn't just the people concerned about energy. Everybody we talked to in China was tuned into this five-point plan:

Conservation. You know, there is a lot of conservation back in the Arab world.

Do you remember the van pools? We didn't have any cell phones then and no Internet, but we had 1–800 numbers, and you were encouraged to get in van pools.

Do you remember the little decals over the light switch? Don't be foolish—turn out the light when you're not in the room. Do you remember the decals over the thermostat? Turn it up in the summertime and down in the wintertime. Do you see any of those things now?

We knew then it was only temporary. I am having a lot of trouble understanding our collective response to these two situations. Back then, we knew it was temporary. We didn't have enough oil because the Arabs wouldn't sell us the oil. They had plenty of oil to sell. They just were unhappy with us for the moment, and they wouldn't sell us the oil. Yet we did rational things in conservation: We got more than one person in a car. We, you know, turned off the light switch. We turned up the thermostat in the summertime and down in the wintertime.

I have no idea why, collectively now, we don't have this kind of a response when oil is more than $80 a barrel and when there is a growing recognition that the world has reached its maximum production of conventional oil, and we will be more than lucky if we can find enough unconventional oil, or new oil, to make up for the loss that we are going to have in conventional oil as we slide down the other side of Hubbert's peak.

Conservation, what is it? Conservation is using a Prius instead of a gas-guzzling SUV. That's efficiency, I guess, too. If you put two people in it, then it's really conservation, isn't it?

I remember driving down the road, with two of us in our Prius, and we passed an SUV. I thought, gee, we're getting—what?—six times the miles per gallon, per person, in this Prius at 50 miles per gallon than that one person is getting in that SUV. We could almost immediately, if we had to, if we had the will to, drastically cut our use of energy for transportation. Drive down the road, and see how many people are in the HOV lane. Look at how many of our people are driving with one person in a pickup truck or an SUV.

A bit ago, I was in France, and I was looking at how many people were driving pickup trucks and SUVs for personal transportation. On that trip, I did not see a single SUV. On the trip before, I saw one. They weren't driving it. It was parked in the parking lot up at that church up on the hill. I don't know how long it had been there. As far as I can see, they don't even make in Europe the equivalent of our passenger pickup trucks. They have some little trucks that are about the size of ours, but they aren't vanity kinds of trucks. They are ugly, little things that are really utilitarian. They carry stuff around. It's not something you would buy to carry yourself back and forth to work.

There are enormous opportunities for conservation. This is where China says it begins.

Then they say: Domestic sources of energy and diversify as much as you can. That's what everybody is trying to do, and many of those domestic sources will be alternative sources of energy.

Then the fourth one is very interesting: Be kind to the environment. They recognize that they are a huge polluter, but they have 900 million people in rural areas who, through the miracle of communications, as I mentioned, know the benefit of an industrialized society.

They're asking, Hey, what about us?

□ 2030

And China, I believe, understands that if they can't meet the needs of those people, that they may see their empire begin to unravel the way the Soviet empire unraveled. So they understand that although there is a huge

environmental consideration, there is an even bigger consideration on their part to supply energy for these 900 million people in rural areas. So they build a coal-fired power plant, about one a week—I forget the number, a fairly large number of nuclear power plants that are presently under construction.

The fifth part of this is a really interesting one, international cooperation. They know that there is nothing really meaningful that any single country can do, and so they plead for international cooperation. I was so impressed in that picture when they looked back over their shoulder on their way to the Moon, and you saw this little spaceship that we call Earth, and that's it, that's all there is, and there's nearly 7 billion of us living on it.

And so they recognize that this has got to be a global, international cooperation; or it's going to be really tough. But while they plead for international cooperation, they plan in the event that there won't be any.

Here is a chart, a world energy picture in January—this is '05, so they would have acquired some more oil since then—and you can see the little symbol here for Chinese investment in oil and gas. They are buying oil and gas all over the world. And I asked the State Department, why would they do this because today it doesn't make any difference who owns the oil. We own only 2 percent of the oil, and we use 25 percent of the oil; that's because we go to what is in effect a global market for oil and we bid and we get 25 percent of the oil. So today there is no advantage in owning oil. So why would the Chinese be going around the world aggressively buying oil and gas? By the way, they almost bought an oil company in our country. You remember all the furor over that when they almost bought that oil company here.

Well, at the same time China is buying gas and oil around the world, they are also buying goodwill. What do you need, an airport? Hospital? Soccer fields? Roads? Watch the newspapers at what China is doing as they go around the world buying this gas and oil.

Well, at the same time they are buying gas and oil around the world, they are very aggressively building a blue water navy. Now a major concern of China is Taiwan, a little country the size of Maryland, 23 million people—we have about 5 or so—three-fourths uninhabited because it's mountainous. Oh, gee, you can inhabit mountains. But I went to Taiwan. You don't inhabit those mountains. They are really, really steep.

China has 1.3 billion people. Why are they so concerned about Taiwan? I had the privilege of spending about an hour and a quarter, an hour and a half or so and we explored that. The concern of course is that if Taiwan can declare its independence, so can a number of other provinces; and they see their empire unraveling. And so I hope, pray, please, tonight that we can resolve Taiwan issues through diplomacy rather than war.

Well, at the same time they are buying all this gas and oil and buying goodwill around the world, they are also aggressively building a blue water navy. They don't need a blue water navy to protect their interests in Taiwan; a brown water navy will be just fine there, thank you. I believe—I hope I'm wrong—I hope I'm wrong about a lot of things, by the way—every time I came to the floor, just about 50 times, and talked about peak oil I said I hope I'm wrong, because if I'm not wrong, the world faces some real challenges. By the way, that's not all bad. There is nothing so exhilarating as meeting and overcoming a big challenge, and the energy future that we face is a huge challenge. So I find it exhilarating.

Remember the exhilaration of putting a man on the Moon? We need to have that same kind of exhilaration. What are we going to do so we can continue—not just us, but my 10 kids, my 17 grandkids and my two great-grandkids, so that they can live as well as we're living? We're going to have to be very creative and innovative, and we can do that in our country.

I hope that the day does not come when China says, gee, guys, I'm sorry, but it's our oil and we can't share it because we don't have enough for our people, and we have a navy big enough to say that we're not going to share it. I hope that day doesn't come.

There are three groups that have common cause in solving three very different problems with exactly the same remedy, and these three groups are forever harping at each other, criticizing each other's premise instead of locking arms and marching forward, because the solution to three very different problems is just about exactly the same solution.

One of those groups is the group that these statistics identify that are really concerned about our national security. We have 2 percent of the oil reserves in the world. We pump that oil, I mentioned earlier, really fast. We produce 8 percent of the oil. We have only 5 percent, a little less than 5 percent, of the world's population and we consume 25 percent of the world's oil, importing about two-thirds of what we use.

Now what is the solution to this? The solution to this is to develop more of our own oil if we can, but that's really tough because we are now really down the other side of Hubbert's Peak. So the ultimate solution to that is alternatives. So those who are concerned about national security want to free ourselves from dependency on foreign oil by using alternatives because of national security interests.

A second group we've been talking about all evening are those that are concerned that it just is not going to be there. Of course, the solution to diminishing supplies of fossil fuels is to supplement them with alternatives.

And there is a third group that we haven't talked about yet—and I am kind of a card-carrying member in all three of these groups—and that is a group that's concerned about climate change. Now, I don't know if they're right or wrong, but what I do know is that what they want to do about that is exactly the right thing to do from a national security perspective.

It's exactly the right thing to do, if you believe in climate change or peak oil. These three groups all have exactly the same solution to very different agendas. What we ought to be doing is stop harping at each other's premise and simply lock arms, because whether you believe that the excessive use of fossil fuels is changing the climate or not is irrelevant because excessive use of fossil fuels is certainly diminishing their supply. And from our perspective, a national security perspective, we don't have enough of them. So the solution to all three of these problems is more dependency on alternative fuels.

We are near closing time, and I just want to point out—and we'll come back again because there are some wonderful quotes from these five reports—four studies, but two are reports from one study. Your government has paid for four different studies; all of them were prophetic. As I mentioned, we are now historians because peak oil has occurred. But all four of these studies were saying—they were in '05, '06 and '07. And your government didn't like the conclusions of the first one in '05, and so they had another one in '06, another one in '07. They all said the same thing.

□ 2040

The peaking of oil is either present or imminent with potentially devastating consequences. We still aren't paying much attention to this, are we? With the world's economy still floundering and oil already at more than $80 a barrel, what do you think will happen to the price of oil when the world's economy really starts to come back?

Well, let's end our discussion here tonight. I have been pleased to spend these moments with you talking about something that's very important to me but I think even more important to my 10 kids, my 17 grandkids, and my two great grandkids.

When we come back again, we're going to talk about these reports and what they said, and we'll have some quotes from these reports.

Thank you, Madam Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

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

(The following Members (at the request of Mr. SMITH of Washington) to

revise and extend their remarks and include extraneous material:)

Mr. SMITH of Washington, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, December 9.

Mr. JONES, for 5 minutes, December 9.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. LANGEVIN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 987. An act to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

S. 3998. An act to extend the Child Safety Pilot Program; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''.

H.R. 4783. An act. This Act may be cited as ''The Claims Resettlement Act of 2010''.

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''.

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue, Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''.

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the ''Robert M. Ball Federal Building''.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on November 29, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 1722. To require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5712. An Act to provide for certain clarifications and extensions under Medicare, Medicaid, and the Children's Health Insurance Program.

Lorraine C. Miller, Clerk of the House further reports that on November 30, 2010 she presented to the President of the United States, for his approval, the following bill.

H.R. 5566. To amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 3, 2010, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

10587. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Isoxaben; Pesticide Tolerances [EPA-HQ-OPP-2007-0504; FRL-8845-6] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10588. A letter from the Acting Secretary of the Navy, Department of Defense, transmitting the Secretary's determination and findings that it is in the public interest to use other than competitive procedures for a specific procurement, pursuant to 10 U.S.C. 2304(c)(7); to the Committee on Armed Services.

10589. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Award-Fee Reductions for Health and Safety Issues (DFARS Case 2009-D039) (RIN: 0750-) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10590. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Defense Cargo Riding Gang Members (DFARS Case 2007-D002) (RIN: 0750-AG81) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10591. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Electronic Subcontracting Reporting System (DFARS Case 2009-D002) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10592. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Carrol H. Chandler, United States Air Force, and his advancement on the retired list in the grade of general; to the Committee on Armed Services.

10593. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement Rear Admiral Robert B. Murrert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

10594. A letter from the Acting Under Secretary, Department of Defense, transmitting the semi-annual status report of the U.S. Chemical Demilitarization Program (CDP) for September 2010; to the Committee on Armed Services.

10595. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Debt Collection (RIN: 2590-AA15) received November 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10596. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Agency Supplementary Regulations (RIN: 1991-AB91) received November 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10597. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Socioeconomic Programs (RIN: 1991-AB87) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10598. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Withdrawal of Determination of Average Manufacturer Price, Multiple Source Drug Definition, and Upper Limits for Multiple Source Drugs [CMS-2238-F2] (RIN: 0398-AP67) received November 12, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10599. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 1997 Fine Particle Standard [Docket No.: EPA-R02-OAR-2010-0659; FRL-9225-6] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10600. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Maintenance, and Malfunction Activities [EPA-R06-OAR-2006-0132; FRL-9223-2] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10601. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas;

Emissions Banking and Trading of Allowances Program [EPA-R06-OAR-2005-TX-0012; FRL-9226-3] received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10602. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems [EPA-HQ-OAR-2009-0923; FRL-9226-1] (RIN: 2060-AP99) received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10603. A letter from the Chief, Policy and Rules Division, OET, Federal Communications Commission, transmitting the Commission's final rule — Improving Public Safety Communications in the 800 MHz Band [WT Docket No.: 02-55] Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels; Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems [ET Docket No.: 00-258] Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service [ET Docket No.: 95-18] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10604. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Amendment to Existing Validated End-User Authorization in the People's Republic of China: Semiconductor Manufacturing International Corporation [Docket No.: 101006492-0494-02] (RIN: 0694-AF02) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10605. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the FY 2010 annual report Security-Related Assistance Provided by the United States to the Countries of Central Asia; to the Committee on Foreign Affairs.

10606. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 ''Joint Communique'' and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement'', together known as the Migration Accords; to the Committee on Foreign Affairs.

10607. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting response to a letter sent by the Speaker; to the Committee on Foreign Affairs.

10608. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

10609. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-595, ''Pre-k Acceleration and Clarification Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

10610. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-160, ''Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

10611. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 18-596, ''University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010''; to the Committee on Oversight and Government Reform.

10612. A letter from the Secretary, Department of Education, transmitting the sixtieth Semiannual Report to Congress of the Office of the Inspector General for the period October 1, 2009 through March 31, 2010; to the Committee on Oversight and Government Reform.

10613. A letter from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting submission of Bonneville Power Administration's (BPA) 2010 Annual Report, pursuant to Public Law 89-448; to the Committee on Oversight and Government Reform.

10614. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's semiannual report from the Office of the Inspector General during the 6-month period ending September 30, 2010; to the Committee on Oversight and Government Reform.

10615. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds [Billing Code: 6760-01-P] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10616. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — Federal Travel Regulation (FTR): Terms and Definitions for ''Dependent'', ''Domestic Partner'', ''Domestic Partnership'' and ''Immediate Family'' [FTR Amendment 2010-06; FTR Case 2010-303; Docket Number 2010-0019, sequence 1] (RIN: 3090-AJ06) received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10617. A letter from the Archivist, National Archives, transmitting Administration's FY 2010 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Oversight and Government Reform.

10618. A letter from the Acting Director, National Science Foundation, transmitting the Foundation's annual report for FY 2009 prepared in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

10619. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the Corporation's annual Management Report for FY 2010, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

10620. A letter from the Secretary of Labor, Pension Benefit Guaranty Corporation, transmitting the Corporation's Semiannual Report from the Office of the Inspector General and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Oversight and Government Reform.

10621. A letter from the Chair, Pension Benefit Guaranty Corportation, transmitting the Corporation's FY 2010 financial statements, annual performance report, independent auditor report, and other documentation; to the Committee on Oversight and Government Reform.

10622. A letter from the Assistant Attorney General, Department of Justice, transmitting the 2009 Annual Report of the National Institute of Justice (NIJ), pursuant to 42 U.S.C. 3766(c) and 3789e; to the Committee on the Judiciary.

10623. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2010, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

10624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Thunder on the Bay, Chesapeake Bay, Buckroe Beach Park, Hampton, VA [Docket No.: USCG-2010-0755] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10625. A letter from the Deputy Director, Director Regulations Management, Office of the General Counsel, Department of Veteran Affairs, transmitting the Department's final rule — Supportive Services for Veteran Families Program (RIN: 2900-AN53) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10626. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2010-76] received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10627. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capitalization vs. Repairs Audit Techniques Guide (LB&I-4-0910-023) received November 10, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10628. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — VERITAS Software Corp. v. Commissioner, 133 T.C. No. 14 received November 9, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10629. A letter from the Commissioner, Social Security, transmitting a letter for determining whether a cost-of-living adjustment formula can be applied to Social Security and Supplemental Security Income; to the Committee on Ways and Means.

10630. A letter from the Acting Chair, Social Security Advisory Board, transmitting copy of the latest issue brief, Disability Programs in the 21st Century: The Representative Payee Program; to the Committee on Ways and Means.

10631. A letter from the Director, Office of National Drug Control Policy, transmitting 2011 National Drug Control Strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Ways and Means, the Judiciary, Oversight and Government Reform, Transportation and Infrastructure, and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. LEVIN, Mr. MICA, Mr. COSTELLO, Mr. PETRI, and Mr. LEWIS of Georgia):

H.R. 6473. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. considered and passed.

By Mr. KAGEN:

H.R. 6474. A bill to direct the Secretary of the Army to cease construction of a temporary causeway in connection with the project for the Renard Island Confined Disposal Facility, Green Bay Harbor, Wisconsin, until certain conditions are met, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CARNAHAN:

H.R. 6475. A bill to suspend temporarily the duty on certain work footwear for men; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6476. A bill to suspend temporarily the duty on certain work footwear for women; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6477. A bill to suspend temporarily the duty on certain work footwear for women covering the ankle; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6478. A bill to suspend temporarily the duty on certain work footwear for men covering the ankle; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6479. A bill to suspend temporarily the duty on certain work boots for men; to the Committee on Ways and Means.

By Mr. CARNAHAN:

H.R. 6480. A bill to suspend temporarily the duty on certain work boots for women; to the Committee on Ways and Means.

By Ms. RICHARDSON (for herself and Mr. THOMPSON of Mississippi):

H.R. 6481. A bill to amend the Homeland Security Act of 2002 to establish the Office of Disability Integration and Coordination within the Federal Emergency Management Agency, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON (for herself and Ms. MATSUI):

H.R. 6482. A bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6483. A bill to amend title 23, United States Code, to revise certain infrastructure finance provisions; to the Committee on Transportation and Infrastructure.

By Mr. NUNES (for himself, Mr. RYAN of Wisconsin, and Mr. ISSA):

H.R. 6484. A bill to amend the Internal Revenue Code of 1986 to provide for reporting and disclosure by State and local public employee retirement pension plans; to the Committee on Ways and Means.

By Mr. BISHOP of Utah (for himself, Mr. SIMPSON, Mr. CHAFFETZ, Mr. REHBERG, Mrs. LUMMIS, Mr. FRANKS of Arizona, Mr. HERGER, and Mr. HELLER):

H.R. 6485. A bill to provide that the inclusion of the gray wolf on lists of endangered species and threatened species under the Endangered Species Act of 1973 shall have no force or effect; to the Committee on Natural Resources.

By Mr. BISHOP of Utah (for himself and Mr. CHAFFETZ):

H.R. 6486. A bill to amend the Endangered Species Act of 1973 to provide that inclusion of the gray wolf, or any distinct population segment of gray wolf, in the State of Utah on any list of endangered species or threatened species shall have no force or effect; to the Committee on Natural Resources.

By Ms. CHU (for herself and Mr. POE of Texas):

H.R. 6487. A bill to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

By Mr. DAVIS of Illinois:

H.R. 6488. A bill to amend the Internal Revenue Code of 1986 to coordinate the reduction in the American Opportunity Tax Credit with Federal Pell Grants, to the extent such grants are attributable to expenses not eligible for such credit; to the Committee on Ways and Means.

By Ms. HIRONO:

H.R. 6489. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to Native Hawaiians through a Federally-qualified health center or a Native Hawaiian health care system; to the Committee on Energy and Commerce.

By Mrs. LUMMIS (for herself and Mr. WU):

H.R. 6490. A bill to amend the Soda Ash Royalty Reduction Act of 2006 to extend the reduced royalty rate for soda ash; to the Committee on Natural Resources.

By Mrs. MALONEY:

H.R. 6491. A bill to authorize appropriations for the purpose of establishing an office within the Internal Revenue Service to focus on violations of the internal revenue laws by persons who are under investigation for conduct relating to the promotion of commercial sex acts and trafficking in persons crimes, and to increase the criminal monetary penalty limitations for the underpayment or overpayment of tax due to fraud; to the Committee on Ways and Means.

By Mr. POE of Texas (for himself, Mr. MCKEON, Mr. PITTS, Mr. GOHMERT, Mr. SAM JOHNSON of Texas, Mr. GINGREY of Georgia, Mr. SHADEGG, Mr. KING of Iowa, Mr. KINGSTON, Ms. FOXX, and Mr. CULBERSON):

H.R. 6492. A bill to amend the Help America Vote Act of 2002 to require that States certify that aliens are prohibited from voting in elections for State or local office as a condition of receiving funds under such Act, and for other purposes; to the Committee on House Administration.

By Mr. SALAZAR:

H.R. 6493. A bill to establish the boundary of the Curecanti National Recreation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. TAYLOR (for himself, Mr. AKIN, Mr. BARTLETT, Mr. WITTMAN, Mr. KAGEN, Mr. BONNER, and Mr. STUPAK):

H.R. 6494. A bill to amend the National Defense Authorization Act for Fiscal Year 2010 to improve the Littoral Combat Ship program of the Navy; to the Committee on Armed Services.

By Mr. HOEKSTRA (for himself, Mr. GALLEGLY, Mr. THORNBERRY, Mr. ROGERS of Michigan, Mrs. MYRICK, Mr. BLUNT, Mr. MILLER of Florida, Mr. CONAWAY, and Mr. KING of New York):

H. Res. 1749. A resolution requesting the President to transmit to the House of Representatives all documents in the possession of the President relating to a review being conducted by the Office of the Director of National Intelligence described in a document dated December 1, 2010; to the Committee on Intelligence (Permanent Select).

By Ms. SLAUGHTER (for herself, Ms. BERKLEY, Mrs. CAPPS, Ms. DELAURO, Mr. FARR, Mrs. LOWEY, Mr. GRIJALVA, Mr. HINCHEY, Ms. MATSUI, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. STARK, Ms. WASSERMAN SCHULTZ, and Mr. WAXMAN):

H. Res. 1750. A resolution recognizing the 20th anniversary of the National Institutes of Health Office of Research on Women's Health and its continuing leadership and achievements in conducting and supporting biomedical research to improve women's health; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 571: Mr. HOLT.

H.R. 891: Mrs. MALONEY.

H.R. 1460: Mr. CRITZ.

H.R. 1646: Ms. HERSETH SANDLIN, Mr. PASCRELL, and Ms. MOORE of Wisconsin.

H.R. 1751: Mr. HIMES and Mr. SCOTT of Virginia.

H.R. 2275: Mr. DENT and Mr. CRITZ.

H.R. 2412: Mr. AUSTRIA.

H.R. 2839: Mr. HASTINGS of Florida.

H.R. 3118: Mr. TONKO.

H.R. 3401: Mrs. CHRISTENSEN.

H.R. 3441: Ms. SUTTON.

H.R. 3718: Mr. HASTINGS of Florida.

H.R. 4116: Ms. ZOE LOFGREN of California.

H.R. 4241: Mr. BISHOP of Utah.

H.R. 4278: Mr. LANCE, Mr. HOLT, Mr. DUNCAN, and Mr. GRIJALVA.

H.R. 4555: Mr. BOREN.

H.R. 4689: Mrs. CHRISTENSEN.

H.R. 4746: Ms. FOXX, Mr. MCKEON, Mrs. BIGGERT, and Mr. LUETKEMEYER.

H.R. 4993: Ms. TSONGAS.

H.R. 5034: Mr. SHERMAN.

H.R. 5117: Ms. SUTTON.

H.R. 5191: Mr. WU.

H.R. 5309: Mr. HOLT.

H.R. 5549: Mr. BOREN.

H.R. 5575: Mr. DEFAZIO.

H.R. 5643: Mr. KILDEE.

H.R. 5746: Ms. SUTTON, Mr. ACKERMAN, Ms. BALDWIN, Mr. ANDREWS, Mr. MCDERMOTT, Mr. COSTELLO, Mr. WEINER, Mr. GONZALEZ, Mr. OLVER, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mr. SPACE, Mr. RUSH, Ms. HIRONO, Mr. Schauer, and Mr. JACKSON of Illinois.

H.R. 5944: Mr. BRALEY of Iowa.

H.R. 6072: Mr. TIERNEY.

H.R. 6112: Mr. CASSIDY and Mr. MILLER of Florida.

H.R. 6139: Mr. REED.

H.R. 6199: Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. FUDGE.

H.R. 6205: Mr. REED.

H.R. 6240: Mr. GOODLATTE.

H.R. 6265: Mr. JONES.

H.R. 6268: Mr. COHEN and Mr. FILNER.

H.R. 6334: Ms. NORTON, Mrs. CHRISTENSEN, Mr. DELAHUNT, Ms. FUDGE, Ms. LEE of California, Mr. HONDA, and Mr. GRIJALVA.

H.R. 6355: Mr. FRANK of Massachusetts and Mr. CUMMINGS.

H.R. 6415: Mr. CHAFFETZ, Mr. PITTS, Mr. STUTZMAN, and Mr. THOMPSON of Pennsylvania.

H.J. Res. 74: Mr. OLVER.

H.J. Res. 96: Mr. COLE, Mr. BILIRAKIS, and Mr. THOMPSON of Pennsylvania.

H.J. Res. 97: Mr. LINDER.

H.J. Res. 102: Mr. CHAFFETZ.

H. Con. Res. 200: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 267: Mr. WAXMAN, Mr. WILSON of South Carolina, and Mr. MICA.

H. Con. Res. 316: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 331: Mr. COHEN and Ms. HARMAN.

H. Con. Res. 333: Ms. WATERS and Mr. ENGEL.

H. Res. 111: Mr. UPTON.

H. Res. 200: Mr. PENCE.

H. Res. 764: Ms. WOOLSEY and Mr. FRANK of Massachusetts.

H. Res. 1531: Mr. REICHERT, Mr. PASCRELL, and Ms. DELAURO.

H. Res. 1532: Ms. SUTTON and Mrs. MCCARTHY of New York.

H. Res. 1621: Mr. LEWIS of Georgia, Mr. WILSON of South Carolina, Mr. SNYDER, Mr. EDWARDS of Texas, Ms. WOOLSEY, Mr. BACA, Mr. SALAZAR, Ms. JACKSON LEE of Texas, Mr. DAVIS of Illinois, Mr. BRADY of Pennsylvania, Mr. THOMPSON of California, Mr. CONNOLLY of Virginia, Mr. KAGEN, Mr. TIERNEY, Ms. PELOSI, Mr. PETERS, Mr. HALL of New York, Mr. OBERSTAR, Mr. MOLLOHAN, Ms. SPEIER, Mr. PASTOR of Arizona, Mr. MORAN of Virginia, Mr. MCDERMOTT, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, Mr. GARAMENDI, Mr. KENNEDY, Mr. FARR, Mr. ISRAEL, Mr. HIGGINS, Mr. LANCE, Mr. WEINER, Mr. ELLISON, Mr. WATT, Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. MCNERNEY, and Mr. LINCOLN DIAZ-BALART of Florida.

H. Res. 1717: Mr. MCINTYRE.

H. Res. 1725: Mr. POE of Texas and Mr. KING of New York.

H. Res. 1734: Mr. KLEIN of Florida, Mr. ROONEY, Mr. BUCHANAN, and Mr. MCCLINTOCK.

H. Res. 1743: Mr. MEEKS of New York, Ms. GIFFORDS, Ms. NORTON, Mr. ELLSWORTH, Ms. HERSETH SANDLIN, Mr. ISRAEL, Mr. HODES, Mr. KLEIN of Florida, Mr. COOPER, Mr. SHULER, Mr. BACA, Mrs. MALONEY, Mr. MINNICK, Mrs. KIRKPATRICK of Arizona, Mr. MCMAHON, Mr. TANNER, Mr. WAXMAN, Ms. HARMAN, Mr. NYE, Mr. SCHIFF, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. LEVIN, Ms. SHEA-PORTER, Mr. GARAMENDI, Mr. ADLER of New Jersey, Mr. CARNEY, Mr. BOREN, Mr. MOORE of Kansas, Mr. SCHAUER, Mr. MATHESON, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. RYAN of Ohio, Mr. POLIS, Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. LYNCH, Mr. HALL of New York, Mr. ENGEL, Mr. PERLMUTTER, Mrs. DAHLKEMPER, Mr. SALAZAR, Mr. HINOJOSA, Mr. BOYD, Mr. KIND, Mr. TIERNEY, Mr. WILSON of Ohio, Mr. GONZALEZ, Mr. RODRIGUEZ, Mr. PASTOR of Arizona, Mr. REYES, Mr. ETHERIDGE, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. LUJÁN, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. GORDON of Tennessee, Ms. BEAN, Ms. DEGETTE, Mr. LARSON of Connecticut, Mr. PETERS, Ms. KILROY, and Mr. NADLER of New York.

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PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, you inhabit ages and all worlds. Dwell among our Senators today. Tune their hearts to Your purposes and open their lips to speak Your wisdom. Lord, infuse them with Your spirit so that their work will make a positive impact on our Nation and world. Banish their anxieties, as You provide them with a faith strong enough to face whatever challenges they must confront. Lord, give them openness of mind in order that they might perceive Your will more clearly; openness of heart, that they might love You more profoundly; and openness of hand, that they might serve You more devotedly.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for Senators to speak up to 10 minutes each. The majority will control the first 30 minutes; Republicans will control the next 30 minutes. We will be in recess again today from 12:30 until 3:30 to allow for a Democratic caucus.

Yesterday, the House sent us a 2-week continuing resolution, and we need to act on that funding bill before the current continuing resolution expires on tomorrow. I will continue to work with the Republican leader on a time for its consideration.

We have other matters. I am in touch with my caucus, the Republican leader, and the White House to try to move toward completing business before Christmas.

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 now be a half hour of morning business, with Members permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

Mr. REID. It is my understanding that the order before the Senate is that each side will have a full 30 minutes.

The ACTING PRESIDENT pro tempore. The leader is correct.

The Senator from Massachusetts.

START TREATY

Mr. KERRY. Madam President, I believe a number of colleagues are lined up to speak. They are not here, so I will take a moment and take it off the Democratic side and just speak for a very few minutes.

I know a number of my colleagues are wanting to talk a little bit about the START treaty. I look forward to their doing so. I did want to bring colleagues up to speed on sort of where we are and hopefully give an accurate, up-to-the-moment assessment of sort of what the progress is.

I wish to express my gratitude to a group of Senators on the other side of the aisle—Senator KYL, Senator MCCAIN, Senator LINDSEY GRAHAM, Senator ISAKSON, and Senator CORKER, particularly—all of whom have been working in good faith and consistently.

Senator KYL and I are talking almost every single day. It has been a constructive process. Obviously, there are points of disagreement here and there on substance. We are trying to work through those. I wish to say that Senator KYL has worked with us calmly and quietly and in good faith in an effort to try to resolve some legitimate questions from Members on his side of the aisle. He has been consistent and persistent in hammering home those differences and the needs that must be met as we go through the process. Vice President BIDEN has been particularly engaged and particularly helpful in helping us to move the process forward, so the administration has a voice that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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is directly engaged in these discussions and is working very hard to meet the concerns raised by Senator KYL and others.

I am encouraged by the process in which we are engaged. Senators need to know it has not been a process of sidestepping a best effort to try to get to a place where we can take up the START treaty in the next days. We still have some issues to try to complete.

Some Senators have expressed the desire to hear from the administration with respect to the Lisbon conference and what modality was arrived at there with respect to deployment. We will make that happen. In addition, the President was sent an additional set of questions just the other day. Those answers are being worked on, and they will be forthcoming.

As long as everybody keeps working in this kind of positive and constructive way, I am hopeful we can live up to our responsibility.

I call the attention of Senators to the Washington Post today, an editorial op-ed written by former Republican Secretaries of State Henry Kissinger, George Shultz, James Baker, Lawrence Eagleburger, and Colin Powell. They clearly say: We urge the Senate to ratify the New START treaty signed by President Obama and Russian President Dmitry Medvedev. They express their reasons why they believe it is important for us to do so.

It is my hope that the conversations we are having and the process that is in place is going to produce a positive outcome. We will certainly work in good faith to try to make that happen in the next days and hours.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

REMEMBERING MAYOR BILL GORMAN

Mr. MCCONNELL. Madam President, in October a dear friend of mine—and of the Commonwealth of Kentucky—passed away peacefully. And today I wish to pay tribute to Mayor Bill Gorman, of Hazard, KY, for his warm and generous spirit and, above all, for his faithfulness to the mission of promoting, defending, and serving the people of Hazard.

Mayor Gorman was born about a decade after the railroad came, when Hazard was first opening up to the world. He saw the floods and the cleanup, the coal carnivals, and the stores on Main Street come and go. He saw Senators and Congressmen, and Presidential candidates. He saw it all. And he could have followed it all too, right out of Hazard. But he didn't. Because Hazard was the only place he ever wanted to be.

The story goes that Bill was vacationing down in Florida in 1977, when somebody threw his name in the race for mayor. From that point on, being mayor was all Bill ever wanted. He never drew a paycheck. And he was never off the clock—as anyone who used to get his late-night phone calls can attest. He was always thinking of how to move Hazard forward, how to make life better for the people of Hazard and the surrounding region. Whether it was extending the water lines or building a pool where the kids in town could learn to swim, or expanding the hospital, or improving and expanding educational opportunities, he always had a vision and a plan to make it happen. And he usually did.

He attended every ribbon cutting, no matter how small. And he took everybody's calls—even at home—and there were a lot of them—because his number was always listed in the phone book. He treated everyone with dignity and respect, and he wanted to talk to everybody, whether you were the President of the United States—and Bill knew a lot of them or somebody down on their luck.

One of Bill's lunch buddies remembers being with him once when he got a phone call from an elderly widow who lived in one of the public housing units in town. Her health was deteriorating, she said, and she wondered if he could help her move from the fourth floor to the first floor. Mayor Gorman got the building manager on the phone immediately and asked if anything was opening up on the first floor. There was. And that woman got her wish. Moving floors was important to that lady, so it was important to Mayor Gorman.

Another time a group of city workmen dropped into a local restaurant for a bite to eat after working around the clock after a snow storm. When the bill came, they were told it had already been paid. It was Mayor Gorman, but they didn't know it. He made sure of it. He did that kind of thing all the time, never flaunting it, just lifting folks up—from high school kids going off to college to an elderly woman who needed a hand—he was there.

For Mayor Gorman, no problem was too little or too big. He was as concerned about the little things as he was determined to accomplish the big things, and he was a master at both. He never boasted. He just did good. It is a rare breed these days. But Bill Gorman was a rare man, a gentle soul who devoted himself to his mission in life and who enjoyed every minute of it. Not that he wasn't feisty. If you ever wanted to pick a fight with Mayor Gorman, say something about the people of eastern Kentucky; he would take you on. And the people of Perry Country loved him for it.

He was proud of his people and his heritage. And he was proud of the coal industry that built this region. As it happens, I got to know Bill before he was a mountain legend. Long before either of us had set out on our political careers, and I was working as the youth chairman for Marlow Cook, who was running for the Senate that year. When they sent me out on the road, they told me to look up a guy named Bill Gorman when I got to Hazard. He was the guy, they said. And they were right. And when the two of us got together for the last time at his home this past August, 42 years later, he was still the guy.

Washington may not be a very popular place these days, but Hazard is a pretty popular place in Washington. Walk into any office—whether it is a staffer or a U.S. President—and you are liable to see a Duke or Duchess of Hazard citation on the wall. I am told that even Pope John Paul II was named a Duke of Hazard, which is appropriate, since Bill used to say he was born a Baptist, was adopted by the Catholics, and would die a Presbyterian. Like a lot of politicians, he was covering all his bases.

Mayor Gorman once said that government is only as good as the people who run it. If that is true, it is likely Hazard will never be as good as it was when Mayor Gorman was with us. But I think we owe it to him to make it so—to live our lives with the same dedication and spirit of service he did. I am blessed to have known him. He is dearly missed.

MISPLACED PRIORITIES

Mr. MCCONNELL. Madam President, yesterday we watched a number of Democratic Senators come to the Senate floor and express their exasperation at not being able to do what they want to do around here. It is quite astonishing.

Let's face it, most Americans are not particularly interested in the things Democratic leaders have put at the top of their to-do list. They thought they put a restraining order on Democratic partisan priorities early last month. It is time Democrats put the priorities of the voters first.

In a couple of weeks the lights go out around here unless we do something to stop it. At the end of the month every taxpayer suffers a pay cut unless we stop it. But Democrats would rather spend the Senate's limited time on don't ask, don't tell and immigration. They would rather come down to the floor to talk about filibuster rules.

So they still do not get it, and that is why Republicans are insisting we put these things aside and finish the most important and urgent legislation before time runs out.

Fifteen million Americans are out of work. More than 3 million of those jobs have been lost since the stimulus was passed. So with all due respect for the Democrats' economic theories, the $1 trillion stimulus, endless government spending, and bailouts do not appear to have worked.

We have tried their way. Now it is time to try what businesses and families are asking us to do. Ask any business owner in America what we could do to help them start hiring again, and they will tell you the best thing we can do is give them certainty about their taxes.

The DREAM Act does not create jobs. Filibuster rules do not create jobs. Wasting time on votes to raise taxes will not create jobs.

Right now, House Democrats are getting ready to send us a bill on taxes they know will not pass in the Senate. This is a purely political exercise. Just consider what a number of Senate Democrats have said about this issue. Here is what one of their newest Members said just a few weeks ago:

I would extend them—

Referring to tax cuts—

for everyone.

Here is another one from September:

I don't think it makes sense to raise any federal taxes during the uncertain economy we are struggling through.

The first comment was from Senator COONS. The second comment was from Senator LIEBERMAN.

Another said:

I support extending all of the expiring tax cuts until . . . the nation's economy is in better shape, and perhaps longer, because raising taxes in a weak economy could impair recovery. Continuing all of the tax cuts could provide certainty for families and businesses. . . .

That was Senator BEN NELSON.

I don't think they ought to be drawing a distinction at $250,000.

That was Senator JIM WEBB.

The economy is very weak right now. Raising taxes will lower consumer demand at a time when we want people putting more money into the economy.

That was Senator EVAN BAYH.

Raising taxes during an economic downturn, one said, ''would be counterproductive.'' That was Senator KENT CONRAD.

So what is the problem? It seems to me we have solid bipartisan agreement on the right thing to do for the economy and for job creation. Who is holding it up, and what do they have against helping businesses and creating jobs?

It is time to focus. We have tried the tax-and-spend route. It has not worked. Why don't we listen to the voters? Let's fund the government while reducing spending and prevent a massive tax hike on every American taxpayer.

Look, we have bipartisan support for this in the Senate and bipartisan opposition to raising taxes on anyone. As the President said earlier this week, after our meeting at the White House:

I think everybody understands that the American people want us to focus on their jobs, not ours. They want us to come together around strategies to accelerate the recovery and get Americans back to work.

I agree with the President. Why don't we get this done?

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEW START TREATY

Mrs. SHAHEEN. Madam President, a number of my colleagues and I are coming to the floor today to discuss a critical national security issue that Senator KERRY has already referenced in his remarks on the Senate floor. It is an issue that requires strong bipartisan action by the Senate; that is, the ratification of the New START treaty.

As we enter into the last weeks of the 111th Congress, there is no doubt we have some significant work remaining on a number of important priorities. But we have come to the Senate floor today to say that national security and the threat posed by nuclear weapons also requires our urgent consideration this year.

After more than 20 Senate hearings, more than 31 witnesses, 900 questions and answers, and nearly 8 months of thorough consideration—including additional time during the August recess for the Senate Foreign Relations Committee to consider the treaty—it is now time to vote on New START.

The treaty is squarely in the national security interests of the United States. It reduces the number of nuclear weapons aimed at American cities and allows for the return of critical onsite inspections lost when the previous START treaty expired. Ratifying the treaty would reestablish American leadership on nuclear security and give the United States increased leverage to curb nuclear proliferation around the globe.

This treaty in no way interferes with our ability to have a safe, secure, and reliable nuclear arsenal. In fact, in response to Senate concerns, the Obama administration has committed unprecedented amounts of money to ensure this modernization piece. Just yesterday, the three directors of America's nuclear labs wrote in a letter that they were ''very pleased'' with the administration's commitment and believe this commitment provides ''adequate support to sustain the safety, security, reliability and effectiveness of America's nuclear deterrent.''

Another concern that has been raised is the effect the New START treaty may have on some of our closest NATO allies. As chair of the Senate Foreign Relations Subcommittee on Europe, I am intensely focused on meeting our NATO security commitments and defending and protecting our allies in NATO and beyond. I agree we need to remain vigilant in support of our allies, especially those in Central and Eastern Europe that border Russia and have strong, legitimate security concerns. But a failure to ratify this treaty could result in deteriorating U.S.-Russian bilateral relations and adversely affect the security of our partners in Europe.

I was pleased to see, just last week, at the NATO summit in Lisbon that all 28 NATO allies expressed their unanimous support for Senate ratification of the New START treaty. New START is in America's interests, and as our allies in Europe have stated clearly, New START is also in their interests.

Finally, a failure to ratify this treaty could have serious negative effects on our ability to meet the nuclear challenge posed by Iran. The failure to ratify the START treaty would undercut America's ability to marshal international support and exert increasing pressure on Iran. As we heard Senator KERRY reference earlier this morning, just today in the Washington Post five former Secretaries of State of the past five Republican administrations made a compelling case linking this treaty and the threats posed by Iran and North Korea.

The consensus is clear. New START is in our national security interests, and we should not wait any longer to ratify this treaty. Our military and our intelligence communities do not want us to wait. Our allies abroad and countless foreign policy experts, Republican and Democrat, across the political spectrum do not want the Senate to wait. The American people do not want us to wait.

We should follow in the footsteps of the Senate's strong bipartisan arms control history and ratify the New START treaty this year.

Madam President, I yield the floor to my colleague from Pennsylvania, Senator CASEY.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I commend my colleague from New Hampshire, Senator SHAHEEN.

I am proud to join my colleagues this morning in support of the New START accord. Next Sunday will mark 1 year since American inspectors were on the ground in Russia. We need to vote on the resolution of ratification for this important treaty because it will indeed make America safer. Without ratification of this treaty, we are less safe and less secure. We have to maintain what we have always maintained in this country as it relates to our arsenal: a safe, secure, and effective nuclear arsenal. This treaty is consistent with that goal.

The agreement provides for predictability, transparency, and stability in the U.S.-Russian nuclear relationship.

Former National Nuclear Security Administration Administrator Linton Brooks put it best when he said:

> Transparency leads to predictability; predictability leads to stability.

It is that stability that we seek. The opportunity to examine Russian nuclear forces helps to limit the surprises, mistrust, or miscalculation that could result from a lack of information. By building trust with regard to our respective nuclear arsenals, progress on other important issues such as the war in Afghanistan and our policy as it relates to Iran becomes more likely.

Some have asked whether we have lost any valuable elements of the original START treaty's inspection regime. In June of this year, I chaired a hearing in the Foreign Relations Committee that addressed this very issue. We examined the implementation of the treaty with respect to both inspection and verification and how the treaty would be executed in Russia and the United States.

Critics point out that under the original START treaty, the United States was permitted 25 data update, reentry vehicles, and facility inspections a year, while under New START the United States can inspect 18 facilities annually not 25. However, in a previous hearing on the New START treaty, Admiral Mullen noted that when START entered into force there were 55 Russian facilities subject to inspection, but now there are only 35 Russian facilities subject to inspection.

I would also assert that the inspection regime has also changed to reflect the current security environment, an enhanced relationship with the Russian Federation, and more than a decade of experience in conducting START inspections. The inspection regime is simpler and cheaper than what was conducted under the first START treaty. We conduct fewer inspections under this treaty because there are fewer sites to inspect. Yet, proportionally, the number of inspections concluded under this treaty has increased not decreased. During that same hearing, Dr. James Miller, Principal Deputy Under Secretary of Defense for Policy said:

> Inspections will help the United States verify that Russia is reporting the status of its strategic forces accurately and complying with the provisions of the New START Treaty. Inspections will not be shots in the dark. Using information provided by requiring data exchanges, notifications, past inspections, and national technical means, we can choose to inspect those facilities of greatest interest to us. Then, through short-notice on-site inspections, our inspectors can verify that what the Russians are reporting accurately reflects reality.

So said the Under Secretary of Defense, Mr. MILLER.

After more than 20 hearings by the Senate Committees on Foreign Relations, Armed Services, and Intelligence, and comprehensive deliberation, it is time to vote on New START. We have examined all sides of the issue. We heard from Republican experts and Democratic experts alike. We have heard from former Secretaries of State and experts in international relations. The U.S. military leadership uniformly supports this treaty. More than 900 questions were submitted from the Senate to the administration on New START, and the administration answered every single question.

I wish to close on a historical note. On October 1, 1992, the first START treaty was ratified by the Senate by a vote of 93 to 6. As the debate on the treaty wrapped in this room, the Senate majority leader at the time, George Mitchell, commended President Bush for his role in negotiating the agreement. He read a letter from Acting Secretary of State Lawrence Eagleburger which encouraged ratification.

This expression of bipartisanship at that time was made remarkable by the fact that the Senators assembled would soon return home to campaign in the 1992 election. That election was 1 month away and Democrats and Republicans came together and supported ratification.

We all remember the contentious nature of that election, similar to the period we are living through now. Yet even within that environment, both parties came together to do the right thing for national security. We have to do this again. It is critically important that this treaty be ratified.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. Madam President, it is my privilege to rise to join with my colleagues from New Hampshire and Pennsylvania and Colorado in support of the New START treaty, the New Strategic Arms Reduction Treaty.

I bring a bit of a personal perspective, a bit of affection for this issue, for this reason: When I was in graduate school, I was studying to take on issues of world economic development, issues of international poverty. I had worked in Latin America. I had worked in India. I traveled through Central America. I spent some time in west Africa. I thought global poverty was a very important issue that could be worth investing my career in.

But as I came out of graduate school, I had an opportunity to switch tracks and work on nuclear issues as a Presidential fellow for Caspar Weinberger in the Reagan administration. This was a complete change of direction and one I didn't anticipate. But I went through that door and worked on strategic issues because the greatest threat to our planet was the successful management of nuclear weapons, strategic nuclear weapons, an enormous threat that needed to be smartly managed. I felt that engaging in that discussion, being part of that effort, was a very valuable matter in which to put my energy.

So I spent 2 years at the Pentagon working on strategic nuclear issues and then worked for Congress, the Congressional Budget Office, as a strategic nuclear policy analyst during the 1980s. It gave me a bit of a closeup view and a view particularly of the Reagan administration, working with Mikhail Gorbachev—Reagan and Gorbachev—working on these issues. One related issue—though not a strategic issue, it certainly had strategic implications—was the theater nuclear arms negotiations that resulted in the Intermediate-Range Nuclear Forces Treaty. Back then it was called the zero option. It created intrusive inspection regimes to ensure that both nations were complying with the treaty. That, of course, was the hallmark of Reagan's philosophy that we ''trust but verify.''

More than the specifics of that treaty, I wish to note that it passed 93 to 5. That treaty, similar to most strategic arms treaties, passed with wide bipartisan support. When it comes to the safety of our Nation, when it comes to minimizing the threat of nuclear devastation, we have set aside red and blue, we have set aside Republican and Democrat, and we have done what is right for our Nation.

Certainly, the threat involving nuclear weapons is as serious today as it was in 1987 when President Reagan signed the INF treaty or when it was ratified in 1998.

Now the Senate must decide whether to ratify the New START treaty. New START limits both the United States and Russia to 1,550 deployed strategic warheads, a significant reduction from the 2002 Moscow Treaty. It limits both parties to 700 deployed strategic delivery vehicles. These reductions continue to reduce both nations' oversized nuclear arsenals, a dangerous legacy of the Cold War, while allowing the U.S. military to preserve a flexible strategic deterrent.

The new treaty improves our strategic relationship with Russia. The new treaty reinforces the U.S. global leadership in nonproliferation.

Verification is a key element in New START, consistent with President Reagan's philosophy of ''trust but verify.'' With the expiration of START a year ago, U.S. officials have been without their ability to conduct onsite inspections in Russia for the first time in a decade and a half, and that increases the nuclear threat.

The new treaty allows both parties to verify compliance through data exchanges, through onsite inspections, and through reconnaissance satellites. Both countries must maintain a database listing the types of locations of all accountable warheads and delivery vehicles. Each delivery vehicle is assigned a unique identifier, which is used to track it from the moment of production through its various deployments and to its dismantlement. U.S. inspectors can verify using short notice, onsite inspections.

This treaty is critical in safeguarding nuclear material and preventing proliferation of weapons and it is critical for our relationship with Russia and our authority on nuclear issues.

Let me quote one expert:

The principal result of nonratification would be to throw the whole nuclear negotiating situation into a state of chaos.

That quote comes from GEN Brent Scowcroft, who was the first President Bush's National Security Adviser, or let's listen to this expert:

A rejection of [this treaty] would indicate that a new period of American policy had started that might rely largely on the unilateral reliance of its nuclear weapons, and would therefore create an element of uncertainty in the calculations of adversaries and allies. And therefore, I think it would have an unsettling impact on the international environment.

That is Dr. Henry Kissinger.

Today there is an article in the Washington Post: ''Why New START Deserves GOP Support.'' This is written by Dr. Kissinger, George Shultz, James Baker, III, Lawrence Eagleburger, and Colin Powell. These are Secretaries of State for the last five Republican Presidents joining together in a detailed analysis of the New START and why the Senate should ratify this treaty.

There are some who may say it is not an issue of the substance but, rather, we just need more time to consider the provisions. Consider this: The treaty was signed on April 8 of this year. The treaty went through extensive and thorough hearings and briefings on the Foreign Relations Committee. The committee favorably reported it out with bipartisan support on September 16. In the 34 weeks since the treaty was signed and the 10 weeks since it was reported from the Committee on Foreign Relations, every Member of our body has had an opportunity to read the testimony, to explore the content, to consult with the experts, to consult with the administration, and to reach a conclusion. In fact, we have had more opportunity to review this treaty than the 100th Congress did for the Intermediate-Range Nuclear Forces Treaty under Ronald Reagan.

Finally, I think it is useful to hear President Reagan's thoughts on nuclear weapons. In 1985, he said this:

There is only one way safely and legitimately to reduce the cost of national security, and that is to reduce the need for it. And this we are trying to do in negotiations with the Soviet Union. We are not just discussing limits on a further increase of nuclear weapons. We seek, instead, to reduce their number. We seek total elimination one day of nuclear weapons from the face of the Earth.

Well, this treaty does not eliminate nuclear weapons, but it does reduce them and it does, in the eyes of expert after expert after expert—Democratic experts and Republican experts—make our Nation more secure. So there can be no better reason to ratify it as soon as possible.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Madam President, I rise to support timely ratification of the new Strategic Arms Reduction Treaty, often called New START. New START accomplishes critical goals for our national security. It reduces Russia's deployed nuclear warhead stockpile by 30 percent. It reduces the number of deployed and nondeployed launchers to 800. It limits the number of deployed missiles and bombers to 700—fewer than half the number of the original START treaty.

It also establishes a stronger system of onsite inspections, allowing us to physically count individual warheads. This is the safest way to ensure that we have an accurate understanding of Russia's nuclear weapons force. Nevertheless, the Senate has failed to take action on what should be noncontroversial—a treaty with bipartisan support that will make our country safer. Today, I wish to talk about the consequences if we fail to ratify New START.

Right now, with no treaty in place, our country has virtually no ability to monitor Russia's nuclear weapons. The previous START treaty expired on December 5, 2009, almost a year ago today. Since that time, our inspectors have been shut out of Russia's facilities. We have been making national security decisions in the dark.

By contrast, the comprehensive verification system proposed under New START allows our military to make better, safer decisions about our national security. Without these verification measures in place, we will lose track of Russia's nuclear arsenal. We will spend more money to obtain less reliable information. Delaying ratification makes no sense for our national security or for this Nation's wallet. Failure to ratify New START does not just undermined our short-term national security interests, it weakens our long-term relationship with Russia and countries all around the world. In a post-9/11 world, strong relationships and shared intelligence have never been more critical as we defend against emerging threats.

We rely on Russia's support to help us contain one of the biggest threats to our national security and to the world's security: Iran's progress toward a nuclear weapon. In fact, earlier this year, the United States brokered an agreement with Russia and China that imposes new U.N. sanctions against Iran to limit its weapons production. Our failure to move forward on New START would make these efforts more difficult.

The goal of preventing Iran from obtaining nuclear weapons requires a solid United States-Russia relationship, and that relationship begins with New START.

We have had ample time to study the treaty: 20 formal hearings, countless briefings, 900 questions submitted for the record. All Senators have had time to express opinions and register concerns. The experts, both Republicans and Democrats, tell us it is time to ratify the treaty. In fact, LTG Brent Scowcroft, National Security Adviser for Presidents Ford and George H. W. Bush, has said:

The principal result of nonratification would be to throw the whole nuclear negotiating situation into a state of chaos.

He is not alone in this considered view.

The ACTING PRESIDENT pro tempore. The time of the majority has expired.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to extend our time until 10:20 and to then allow for 5 minutes for the Republicans at the other side of their time.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BENNET. Madam President, I will wrap up in the next couple of minutes.

He is not alone in this considered view. Listen to the bipartisan wisdom calling on the Senate to ratify this treaty: former Secretaries of State George Shultz, James Baker, Henry Kissinger, Colin Powell, Madeleine Albright, and Warren Christopher; former Defense Secretaries James Schlesinger, William Cohen, William Perry, Frank Carlucci, and Harold Brown; former National Security Advisers Brent Scowcroft, Stephen Hadley, and Sandy Berger. Patriots all, committed public servants who take it as an article of faith that partisanship ends at our water's edge, as do most Coloradans and most Americans. When it comes to New START, I believe the Senate will as well.

President Reagan began negotiating the first START treaty with the Soviet Union in 1982—right in the middle of the Cold War. Even today, all these years later, we remember Reagan's brilliant phrase ''trust but verify.'' Many believed the Cold War would never end. So much has changed since the fall of the Soviet Union: the rise of global terrorism, the growing threat of Iran, the integration of our global economy, and the realization that when one economy falls, all are in danger.

As you know, I have just finished a long and tough campaign, and I can tell you that Coloradans are patriots before they are partisans. They are parents before they are Republicans and Democrats. And they are neighbors before they are foes. We need to respond, and the Senate should ratify New START now.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, I join my colleagues who have taken the floor this morning to urge a timely ratification of the START treaty. We have now been 1 year without a comprehensive verification regime to understand Russia's strategic nuclear forces. Since the end of the Cold War, we have had a verification system in place because we need to know what Russia is doing. We are at risk by not

having a comprehensive verification regime in place. The ratification of New START will allow us to have that verification system in place, and it is in our national security interest.

We have had plenty of opportunity to understand exactly what is involved in the New START Treaty. For 7 months, the Senate has been considering the ratification. We have had over 20 hearings. I am honored to serve on the Senate Foreign Relations Committee. We have had numerous hearings and opportunities, both in closed sessions and open sessions, to understand exactly why this ratification is in the security interest of the United States.

I point out that this is New START. We already had a Strategic Arms Reduction Treaty with Russia that expired at the end of last year. That treaty was ratified by a prior vote of 93 to 6. So we have great interest. We know what is involved, and we have had strong, bipartisan support for the ratification of START. The United States needs transparency to know what Russia is doing and to provide confidence and stability. We need that confidence and stability to contribute to a safer world.

The ratification of New START allows the United States to continue to be in the leadership internationally, not only to deal with arms reduction but also with nonproliferation issues. That is particularly important today as we get international support to prevent Iran from becoming a nuclear weapon state. Russia has helped us in that regard. The ratification of this treaty is a continued movement toward isolating Iran's nuclear ambitions.

As other colleagues have pointed out, military leadership and bipartisan political leadership has supported this ratification.

I urge my colleagues to ratify New START. It is in our national security interest.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

DREAM ACT

Mr. VITTER. Madam President, I was truly disappointed to learn that Senator REID intends to bring up a new version of the sweeping amnesty proposal, known as the DREAM Act. Disguised as an educational initiative, the DREAM Act will provide a powerful incentive for more illegal immigration by granting amnesty to millions of illegal aliens.

The bill, which is unaffordable for taxpayers in many different ways, is a bad idea and comes at the worst possible time. As of recently, there are now plenty different versions of the DREAM Act on the legislative calendar, with different moving parts and revisions, but at the end of the day, it doesn't matter which one you focus on; they all have the same core, which is amnesty for a significant number of illegal aliens.

Also with that amnesty would come very significant taxpayer-funded benefits for these folks, including instate college tuition. In these difficult economic times, it is an insult to legal, tax-paying citizens that President Obama and his allies in the Senate want to use their hard-earned money to pay for educational benefits for illegal aliens.

The struggling economy has increased the demand for enrollment in public universities, as a growing number of families are unable to afford other education. At a time when many Americans cannot afford to send their own children to college, this bill would clearly allow the government to provide Federal student loans to illegal aliens who will displace legal residents competing for taxpayer subsidies. I am opposed to this proposal because it would unfairly place American citizens in direct competition with illegal aliens for scarce slots in classes at State colleges. The number of those coveted seats is absolutely fixed. So every illegal alien who would be admitted as a result of the DREAM Act would take the place of an American citizen or someone who is legally in our country. It makes no sense to authorize Federal and State subsidies for the education of illegal aliens when our State schools are suffering, as higher education budgets are being slashed, admissions curtailed, tuitions increased.

Enactment of the DREAM Act would be bad policy under any circumstances, but in the current economic climate, it would be a catastrophe for States facing already strained budgets. The DREAM Act will continue amnesty to millions of illegal aliens who entered the United States as minors and meet loosely defined ''educational requirements.'' Specifically, the bill grants immediate legal status to illegal aliens who have merely enrolled in institutions of higher education or received a high school degree or diploma.

The sponsors say several things to try to mitigate this basic fact, but it doesn't.

First of all, they have described the beneficiaries in this legislation as kids, boys and girls. In reality, the DREAM Act allows illegal aliens up to the age of 30 to be eligible to receive amnesty and qualify for Federal student loans.

Second, HARRY REID and the bill's proponents argue that this new version of the DREAM Act has been narrowly tailored. I don't believe the American public would be convinced that dropping the age of eligibility from 35 to 30 transforms the core of this legislation or changes anything at its core.

Third, the new and improved DREAM Act also requires that illegal aliens seeking relief undergo a background check and submit biometric and biographic data. Again, that doesn't change the core of the bill, which is about amnesty for millions of illegal aliens, thereby putting them in a position to compete for important taxpayer-funded benefits with U.S. citizens.

Furthermore, the new version of the DREAM Act expands the waiver authority of the Secretary of Homeland Security, thereby negating any additional requirements for eligibility. The bar for eligibility is already extremely low, but even what little is required can be waived whenever that Secretary decides to do so.

The American people have made it very clear—crystal clear—that they want to see the government fulfill its responsibility to enforce the laws and to take steps to control illegal immigration, not to reward bad behavior with amnesty and taxpayer-funded benefits.

Amnesty and economic incentives only encourage more illegal immigration. This is certainly not the answer to our current, ongoing immigration crisis. It will only worsen our economic crisis. I am really outraged that any elected lawmaker would consider this proposal, particularly now, particularly when our States and fellow citizens are struggling to deal with economic hardship and budget cuts.

The DREAM Act also includes no cap on the number of those who will be eligible to receive this amnesty. The economic ramifications would be profound and are simply unacceptable.

Finally, there is absolutely no pay-for in this legislation, while it is beyond argument that the act will increase costs on the Federal taxpayer.

So, bottom line, this bill is absolutely increasing the Federal deficit and the Federal debt—we don't know by exactly how much. To help answer that question, I am writing the Congressional Budget Office today and asking for an immediate score of the newest version of the DREAM Act. Whatever the number is—and it is important that we get that number—let me underscore that it is beyond debate that there is significant cost to this bill, without any pay-fors. That means the DREAM Act will also increase the Federal deficit and the Federal debt.

As chairman of the Border Security Caucus, I will be fighting this measure every step of the way, doing everything I can to stop what is clearly, at its core, an amnesty proposal. I invite all Members of the Senate, Republicans and Democrats, to listen to the American people who have been speaking about this loud and clear and to heed their call and say no to amnesty and turn to what should be our clear priority, which is enforcing the laws on the books, enforcing the clear laws against illegal immigration.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I see my distinguished friend, the Senator from Wyoming, on the floor, and I would like to make a few remarks about the Social Security COLA.

The ACTING PRESIDENT pro tempore. There is no time remaining with the majority at this moment.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. WHITEHOUSE. I thank the Chair.

At the end of my remarks, I will propound a unanimous consent request that the minority party is aware is coming.

I travel around my State pretty often, and when I do, I hear a lot in Rhode Island about the sacrifices people have had to make during what are, for our State, still very difficult economic times. We are still over 11 percent unemployment. Many of my constituents have adjusted to this difficult economic climate by cutting back on extras and finding savings in their personal lives wherever they can. But for our seniors—Rhode Island has a very large population of seniors—who live on a limited budget, simply cutting back is a very harsh option for them.

In 2008, Rhode Island seniors on Social Security received an average monthly payment of about $1,130. Madam Present, $1,130 a month is not a lot to live on, particularly in the Northeast. I have heard from seniors who worry about keeping the heat on in their homes because oil prices are so high. I have heard from seniors who have to split pills or skip doses because their prescription costs are so high. And I am hearing this from people who have worked hard all their lives, who paid into the system throughout their careers and who believed they would be able to grow old comfortably. Instead, many of them are really just scraping by on their Social Security benefits, and the benefits often no longer cover their daily living expenses. So for people in this situation, every penny counts.

This past year, for the first time since 1975, Social Security recipients in Rhode Island, in New York, and elsewhere did not receive a cost-of-living adjustment, or COLA, and it appears they will not receive a cost-of-living adjustment in 2011 either. These yearly adjustments are dictated by a specific formula that is tied to inflation. I know that because of the slow economy, inflation has been stagnant over the past 2 years. So the rigid mathematical formula that drives the cost-of-living adjustment does not presently provide for the cost-of-living adjustment seniors need.

This is a misfire in the cost-of-living calculation because it is based on a market basket that includes things seniors don't buy a lot of and it doesn't put adequate weight on heat and oil and energy, prescriptions and medical devices, and things on which seniors do spend a lot of money. It also overlooks people such as Chuck, who is a 67-year-old retiree from North Providence, RI, who wrote to me recently to express his concern that his monthly Social Security income will be frozen at its current level for yet another year. He wrote that regardless of what the COLA formula concludes, his cost of living continues to rise. Chuck says:

> Prices have risen at the supermarkets. Medications have also increased in copayments. Today, I am paying more and getting less for the dollar.

I believe Chuck speaks for many American seniors when he expresses concern about the lack of an increase in Social Security payments. So today I rise in support of the Emergency Senior Citizens Relief Act, introduced by my colleague, Senator SANDERS of Vermont. This bill would help ease the strain on the budgets of our seniors by providing a special one-time payment in 2011 of $250 to all Social Security recipients. In effect, it would be a COLA replacement. Although a $250 COLA replacement may not sound like much money, for those on a limited budget, the extra financial assistance provides a little extra peace of mind amid skyrocketing health care and prescription drug costs. And for seniors in New England, the payment could help keep the heat on through the approaching winter.

This assistance would not be unprecedented. While this was the first year in decades that seniors did not receive a COLA, we have taken steps in recent years to provide special help to seniors and to disabled Americans struggling through this recession. In 2008, I worked very hard with my colleagues to secure a $300 rebate for seniors and SSDI recipients in that year's economic stimulus act. In 2009, we again worked to make sure the American Recovery and Reinvestment Act included a one-time $250 payment to seniors and SSDI recipients. We now have a chance to once again lend that helping hand to our seniors.

Passing this bill would be the right thing to do for seniors, obviously, but it is also a good thing to do for our struggling economy. In Rhode Island, for example, the payments would inject more than $51 million into our economy—money that would quickly be spent on essential items such as food and medicine.

As I said at the beginning, Rhode Island is hurting. Unemployment stands at 11.4 percent, gas is now more than $3 per gallon, and our seniors face yet another year of frozen Social Security payments. By passing this Emergency Senior Citizens Relief Act, we can show our seniors that they are not forgotten and in turn provide a valuable boost to the local grocery stores, pharmacies, and shopping centers that remain such an integral part of our local economy.

I urge my colleagues to join me in standing by our Nation's seniors and to support the Emergency Senior Citizens Relief Act.

In that regard, I ask unanimous consent that the Finance Committee be discharged of S. 3976, which is the Emergency Senior Citizens Relief Act of 2010 that I have been discussing; that the Senate proceed to its immediate consideration; that there be 4 hours of debate with respect to the bill divided and controlled by Senator SANDERS and the Republican leader or his designee, and that no amendments or motions be in order during the pendency of this agreement; that upon use or yielding back of time the bill be read a third time, and the Senate proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Senator from Wyoming.

Mr. BARRASSO. Madam President, reserving the right to object, would the Senator agree to include an amendment that would offset the cost of the bill with unspent Federal funds, the text of which I have at the desk?

Mr. WHITEHOUSE. I am happy to discuss with colleagues on the other side how this can be paid for, but I cannot help but note that colleagues on the other side do not share their concern for the payment and pay-go side of the equation when it comes to the tax cuts for people making many millions of dollars a year whom we are trying to get exempted as we try to get tax relief for the middle class.

It would be hard for me to hold seniors getting a $250 one-time benefit in a year in which the COLA formula has misfired and they are getting no COLA benefit despite their other costs going up, and at the same time be asked to agree to hundreds of thousands of dollars per millionaire, in some cases, in tax relief that is not paid for. I think, if anything, the seniors should be held to a lower standard than multimillionaires for whom the tax benefit would amount to potentially hundreds of thousands of dollars.

I appreciate my colleague's very legitimate concern about the cost this would incur. I submit we are still, at least in my State, in a stage in the recovery where we continue to need to revive the economy. This will be very beneficial to the country in terms of its economic recovery, and it would be unfair to hold seniors to a different standard for this $250 COLA, a harsher standard than we would hold our millionaires to, for hundreds of thousands of dollars in tax relief. So I stand by the request as propounded in the unanimous consent.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. Madam President, reserving the right to object, I note on the front page of USA Today ''Jobless Data could Break '80s RECORD.''

Not since the early 1980s has the nation's unemployment rate been so grim for so long, a government report due Friday is likely to show.

It goes on to say:

The chronic level of high unemployment shows that many Americans are still suffering, even though [the government], the National Bureau of Economic Research, has said the recession officially ended in June 2009.

The people in this country know what is happening in their own communities and their own States and do not need to be told different things by the government when they know the reality in which they are living.

I heard from my distinguished colleague some concerns we all share about the economy and what best way to stimulate economic growth. I believe, with Members on my side of the aisle, that one of the things you do is you don't raise taxes on anyone in this country during these economic times. We are unanimous on this side of the aisle in that position.

But listening to my colleague, there are now actually a growing chorus of Members from his side of the aisle who are agreeing with me, including the two newest Members of the Senate from the other side of the aisle who have come here, the distinguished Senator from West Virginia and the one from Delaware. The one from West Virginia, while running for the Senate, said, ''I wouldn't raise any taxes,'' referring to the tax cuts that are scheduled to expire come the end of this year. The Senator-elect and newly sworn in Senator from Delaware, in terms of tax cuts, said, ''I would extend them for everyone.''

So there is a growing chorus on the ways to give this economy and the job-creating segment of this economy some certainty so they can then make the investments, make the decisions, hire the people to try to do that.

We are unanimous in our support for not raising taxes on anyone during economic times like this and, with that growing chorus, then, as a result, I object.

Mr. WHITEHOUSE. I appreciate the objections of the Senator.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. WHITEHOUSE. I would respond by saying that even if we assume that the right answer at this point is to continue a massive tax cut for people who make—I think it was most recently reported that the 400 biggest income earners in the country earned an average, each, of $344 million, a third of $1 billion each. So the tax cuts for people like that create a very significant cost to the country.

I understand it is the theory of the Senator that this is to our economic benefit. But, clearly, there is a very high cost in our deficit to going down that path.

My motivation in offering this unanimous consent is that our seniors, who will spend the $250 one-time payment virtually immediately—which every economist I have ever seen who discusses the economic stimulus effect of these different types of expenditure agrees would be far more beneficial if it were the $250 payment on behalf of seniors than it would be when these highest end people get these massive tax refunds and benefits—that it would be fair to treat seniors the same way.

I regret that we face this objection. I think the objection is inconsistent in the sense that the Senator is holding, with this objection, seniors to a higher standard, a harsher standard, than he is holding millionaires and billionaires to. Everybody knows about the marginal utility of money. For a senior on a fixed income, $250 extra at the end of the year, Christmas time, whether it means keeping the house warm, affording their prescription drug payments, being able to set a little money aside for presents for their grandchildren—that is very important funding, and not just from a humanitarian point of view. From an economic point of view it means it gets plowed right back into the local economy—the local toy store, the local grocery store, the local pharmacy. It gets put right back to work. I don't know what happens when somebody making $334 million a year gets a $1 million tax break.

The ACTING PRESIDENT pro tempore. The Senator has consumed his time.

Mr. WHITEHOUSE. In that case, I yield the floor and thank the Presiding Officer for her courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, in response to my colleague from Rhode Island, despite over a $13 trillion existing debt that we cannot pay back, the Democrats are back with another proposal to add another $13 billion to the deficit, add it to the growing deficit. This one is not even a new proposal, it is a proposal that was already rejected by 50 Senators, including 11 Members from across the aisle a number of months ago.

If we are going to attempt to help those seniors, as has been mentioned by my colleague, we need to do it in a fiscally responsible way.

I absolutely support helping the seniors who are having a hard time. I just propose we pay for it. That is why I offered the amendment to the proposal from the Senator from Rhode Island that would, in fact, just pay for it. It is as simple as that. I propose that instead of piling money, debt on top of our massive debt, what I have offered is an amendment that would authorize the Office of Management and Budget to cut an appropriate amount from other programs to help them find money to pay for this one.

Mr. WHITEHOUSE. Will the Senator yield for a question?

Mr. BARRASSO. Yes, Madam President.

Mr. WHITEHOUSE. A question, through the Chair: Would the Senator explain why it is that when it comes to the deficit it is more important to protect our national debt than it is to help our seniors, but it is less important to help our deficit and our debt than it is to give tax breaks to multi-multi-millionaires?

As I said, the 400 highest income earners the IRS has reported earning more than a third of $1 billion each on average, it would strike me that the deficit and the debt is a matter of national concern that should apply equally to millionaires—I mean multi-super-ultra-hyper-millionaires—than it is to seniors struggling to get by on Social Security. I don't understand why the deficit matters so much when it comes to depriving our seniors of a COLA adjustment, but it doesn't appear to matter at all when it comes to providing the very wealthiest Americans—people who have their own jets, have their own yachts, people who have, you know, seven homes—additional tax relief that most billionaires who have come forward in this matter say they don't want or need; that it is unpatriotic, frankly, from their perspective not to be asked to contribute more.

Mr. BARRASSO. Madam President, the way that I propose to pay for this to help those seniors, to help those who have those needs, is a proposal that is very familiar to this body. It is because 21 of my Democratic colleagues voted in favor of this way to pay for something earlier this week when the same pay-for was attached to an amendment from my colleague, Senator JOHANNS from Nebraska, that would have repealed an unfortunate paperwork mandate in the health care law.

I would be happy to list all of the Senators who voted for this. I am sorry my friend across the aisle is not joining me in supporting this fiscally responsible support for our seniors. But, as I say, on the issue of stimulating the economy and giving some certainty in this Nation to those job creators, the Republicans are united: 42 of us say you should not raise taxes on anyone during economic times like these, and the chorus of Democrats who support that continues to grow. It grew this past week from five members of the Democratic conference to seven with the swearing in of Senator COONS of Delaware and Senator MANCHIN of West Virginia.

Senator KENT CONRAD from North Dakota has said:

The general rule of thumb is that you do not raise taxes or cut spending during an economic downturn. That would be counterproductive.

So he says do not raise taxes during an economic downturn.

Senator EVAN BAYH said:

The economy is very weak right now. Raising taxes will lower consumer demand at a time when we want people putting more money into the economy.

Senator JIM WEBB, Democrat from Virginia, said: ''I don't think they ought to be drawing a distinction . . . '' at a certain dollar number.

Senator BEN NELSON from Nebraska said:

I support extending all of the expiring tax cuts until Nebraska's and the nation's economy is in better shape, and perhaps longer, because raising taxes in a weak economy could impair recovery.

Senator JOE LIEBERMAN, Connecticut, said:

I don't think it makes sense to raise any Federal taxes during the uncertain economy we are struggling through.

Then, of course, Senator COONS: ''I would extend them to tax cuts for everyone.''

And Senator MANCHIN, then-Governor of West Virginia, said, ''I wouldn't raise any taxes.''

At a time with 9.6 percent unemployment, at a time when our Nation continues to struggle economically, at a time people are looking for work, wanting to work, looking for jobs, the job-creating sector of this country needs some certainty. With the mandates of the health care law, which are expensive, environmental mandates coming from the Environmental Protection Agency with their rules and regulations impacting on the cost of energy, and then the uncertainty, the significant uncertainty that exists in this country as to what tax rates will be and how that is going to impact all taxpayers with their take-home pay come January 1, it is no surprise that people are concerned and reluctant to make long-term commitments and investments in businesses and in the future.

That is why I stand here to object to my colleague from Rhode Island when he makes a proposal, which there is support for, but it is unpaid for. We need to pay for it. I bring to the Senate floor a responsible way in which to pay for it, and which he has rejected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, are we in a period of morning business?

The ACTING PRESIDENT pro tempore. We are still in morning business. However, the time remaining, 10 minutes remaining, is controlled by the minority.

Mr. DORGAN. In that case I would yield to the minority to use the 10 minutes, and I will be seeking recognition following them.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

ETHANOL TAX CREDIT

Mr. GRASSLEY. Madam President, it seems as though every few weeks or so there are a lot of misleading and misinformed accusations launched at our Nation's renewable fuel producers. It is impossible to come to the Senate floor to respond to all of them. But sometimes the claims are so outrageous that they require an informed response. So I am here to give that response with emphasis on the word ''informed.''

Earlier this week, a number of my colleagues in the Senate, including a few of my fellow Republicans, sent a letter to the majority and minority leaders expressing their opposition to extending the tax incentives for homegrown ethanol. Homegrown means we are less dependent upon people such as Dictator Chavez and our oil sheiks.

My colleagues argued that the tax incentive for the production of clean, homegrown ethanol is fiscally irresponsible. They expressed their support for allowing the 45-cent-per-gallon credit for ethanol use to expire. It is important to remember that the incentive exists to help the producers of ethanol compete with the big oil industry. Remember, the big oil industry has been well supported by the Federal Treasury for more than a whole century.

Many of the Republican Senators who signed onto that letter have also been leading the effort to ensure that no American sees their taxes go up on January 1, 2011, which will happen automatically if we do not do something this very month.

The largest tax increase in the history of the country can happen without even a vote of Congress because of the sunsetting law. Of course, in that regard, I support the position of my Republican colleagues. But a repeal of the ethanol tax incentive is a tax increase that will surely be passed on to the American consumer.

I would like to remind my colleagues of a debate that we had earlier this year on an amendment offered by Senator SANDERS. The amendment he offered would have, among other things, repealed the $35 billion in tax subsidies enjoyed by oil and gas. Opponents of the Sanders amendment argued that repealing the oil and gas subsidies would reduce domestic energy production and drive up our dependance on foreign oil.

Opponents of the Sanders amendment argued that it would cost U.S. jobs and increase prices at the pump for consumers. I agreed with the arguments of the opponents. All of my Republican colleagues and more than one-third of the Democrats did as well. Thus, the Sanders amendment was defeated. That majority against the Sanders amendment knew that if we tax something we get less of it. Repealing incentives on ethanol would have the very same result.

Well, guess what. I know removing incentives for oil and gas will have the same impact as removing incentives for ethanol. We will get less domestically produced ethanol and be more dependent upon those oil sheiks. But it will also cost U.S. jobs. It will increase our dependence on foreign oil. It will increase prices at the pump for American consumers. So whether it is jobs or increased dependence or increasing the price of gas, no American would like that to be the result. We are already dependent on foreign sources for more than 60 percent of our oil needs. We spend $730 million a day on imported oil.

That money is leaving America to the Middle East or nutty dictators like Chavez. Why do my colleagues want to increase our foreign energy dependence when we can produce that energy right here at home?

So I would like to ask my colleagues who voted against repealing the oil and gas subsidies but are supporting repealing incentives for renewable fuels, how do you reconcile such inconsistencies? The fact is, it is intellectually inconsistent to say increasing taxes on ethanol is justified, but it is irresponsible to do so on oil and gas production.

If tax incentives lead to more domestic energy production and result in good-paying jobs, why are only incentives for oil and gas important but not for domestically produced renewable fuels? It is even more ridiculous to claim that the 30-year-old ethanol industry is mature and thus no longer needs the support they get, while the century-old big oil industry still receives $35 billion in taxpayer support.

Regardless, I do not believe we should be raising taxes on any type of energy production or on any individual, particularly during a recession. Allowing the ethanol tax incentive to expire will raise taxes on producers, blenders, and ultimately consumers of renewable fuel. A lapse in the ethanol tax incentive is a gas tax increase of over 5 cents a gallon at the pump. I do not see the logic in arguing for a gas tax increase when we have so many Americans unemployed or underemployed and struggling just to get by.

On Tuesday of this week all of my Republican colleagues and I signed a letter to Majority Leader REID stating that preventing a tax increase, meaning mostly income-tax increases, and providing economic certainty should be our top priority in the remaining days of this Congress. I know we all agree we cannot and should not allow job-killing tax hikes during a recession.

Unfortunately, those Members who have called for ending the ethanol incentive have directly contradicted this pledge because a lapse in the credit will raise taxes costing over 100,000 U.S. jobs at a time of near 10 percent unemployment. The taxpayer watchdog group, Americans for Tax Reform, considers the lapse of an existing tax credit for ethanol to be a tax hike.

Now is not the time to impose a gas tax hike on the American people. Now is not the time to send pink slips to more than 100,000 ethanol-related jobs. A year ago at this time I came to the Senate floor to implore the Democratic leadership to take action on extending expiring tax incentives for the biodiesel industry. They failed in their responsibility to extend that incentive and provide support for an important renewable industry.

So while 23,000 American jobs were supported on December 31 last year, nearly all of those jobs have disappeared. An industry with a capacity to produce more than 2 billion gallons of renewable fuel a year is on track to produce less than 20 percent of that capacity this year.

Ethanol currently accounts for 10 percent of our transportation fuel. A

study concluded that the ethanol industry contributed $8.4 billion to the Federal Treasury in 2009, $3.4 billion more than the ethanol incentive. Today, the industry supports 400,000 U.S. jobs. That is why I support a homegrown, renewable fuels industry, as I know the Obama administration does as well.

I would encourage anyone who is unclear on the administration's position to contact Agriculture Secretary Vilsack.

I would like to conclude by asking my colleagues, if we allow the tax incentive to lapse, from where should we import an additional 10 percent of our oil? Should we rely on Middle East oil sheiks or Hugo Chavez? I would prefer we support our renewable fuel producers based right here at home rather than send them a pink slip. I would prefer to decrease our dependence on Hugo Chavez not increase it.

I certainly do not support raising the tax on gasoline during a recession. I would respectfully ask my colleagues to reconsider their support for this job-killing gas tax increase.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, I support the comments from my colleague from Iowa on the importance of ethanol and the tax incentives and the ability to try to make us less dependent on foreign oil and produce more renewable energy in our country. So I appreciate the statement he has just made.

I want to talk about the START treaty and the importance of it. But I cannot help but respond, at least a bit, to some of the discussion that occurred as I walked on the Senate floor about the so-called tax cuts or the extension of the tax cuts.

You know, what is going to confound a lot of people who look back on history, perhaps historians who, in a rear-view mirror, look back 100 or 50 years—what is going to confound them about this time, this place, and these people, all of us, is what we did that seemed so irrational because, particularly economic models, if you are talking about economic historians, economic models are based on rational expectations. Then they create a model based on what would you do rationally.

Now here is what they are going to see at this moment. They will see a country that is at war halfway around the world. They will see a country with a $13 trillion national debt and a $1.3 trillion annual deficit. And what is the debate? Tax cuts that existed in 2001, through legislation I voted against, tax cuts that were extended and were set to expire this year would cost $4 trillion in the coming 10 years to extend.

With a $13 trillion debt, we have people coming to the floor of the Senate and saying they want to deal with this debt. Then, on the other side of the ledger, they say: And we want to extend all of the tax cuts.

That is another way of saying they want to take the $13 trillion Federal debt to a $17 trillion Federal debt. And, you know, historians are going to say: I thought there was some notion of rational expectations. What is rational about a country up to its neck in debt deciding: We are going to extend tax cuts even to the wealthiest Americans; those who make $1 million a year shall be given a $104,000-a-year tax cut?

Why? Because the minority is insisting upon it. Even though, just that piece of it, above $250,000 a year in income, even though just that one piece will add $1 trillion, that is the cost plus the interest to the Federal debt.

It is unbelievable. And the so-called little guy, the people out there who are working for a living and struggling—some of them lost their jobs, some lost their homes, some have lost hope—they are asking: Well, what about me? Why is it there is such energy to stand up for those who are making millions of dollars?

A guy named Barney Smith from Marion, Indiana stood up at the Democratic National Convention in Denver in 2008 and he asked this question. Barney Smith had lost his job, a job, that he said, is now being performed by someone overseas. Barney Smith said: When are you all going to treat Barney Smith like you treat Smith Barney? That is a pretty decent question. Who is on the floor standing for the interests of the Barney Smiths? I hope, perhaps in the coming days, there will be some rational expectations coming from this deliberative body, and that rational expectation should not include cutting taxes for the wealthiest Americans at a time when America is at war.

This morning, perhaps at 6 a.m., our soldiers were called out of bed halfway around the world, strapped on their ceramic body armor, took up their weapons, and went out on patrol. They will be shot at today halfway around the world. We are told our responsibility is to provide tax cuts for the wealthiest Americans.

I wish to read a comment from Franklin Delano Roosevelt. I don't see a notion in this country about self-sacrifice in order to meet common goals and reach the common purpose of our destiny.

Here is what Franklin Delano Roosevelt said when we were at war then:

> "Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the oil fields or mines, producing the weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman and child—is in action. . . . That front is right here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men, but to keep the economic structure of our country fortified and secure. . . ."

That isn't only for soldiers who sacrifice for country. It is for all of us. It is distressing to me to see that the serious is treated so lightly and the light is treated too seriously in this Chamber. We know better. This country is loaded with debt. It is at war. We owe it to the American people and to the future to do better and try to steer this country toward better times.

START TREATY

Mr. DORGAN. Madam President, I rise to speak about the START treaty. This issue, while on the front pages in the last few days, is not front-page news generally, but it is so unbelievably important.

First, I compliment Senator KERRY, chairman of the committee. I compliment Senator LUGAR and others who have worked on this. I was part of the national security working group. We had many briefings during the negotiations with the Russians. I chair the appropriations subcommittee that funds our nuclear weapons, and I have stood next to nuclear weapons, know a lot about them, know about the horror of these weapons, as do almost all Americans. Let me describe how many nuclear warheads we have in the world.

This data is the Union of Concerned Scientists' that made an estimate in 2010. They said Russia has about 15,000 nuclear weapons; the United States about 9,400; China, 240; France, 300; Britain, 200. We can see Israel at 80. These are the expected number of nuclear weapons on the planet. That is somewhere around 25 to 28,000 nuclear weapons on this planet, the loss of one of which or the explosion of one of which in a major city by a terrorist group will change life on this planet forever.

The question is, What are we doing now to stop the spread of nuclear weapons, prevent terrorists and rogue nations from acquiring nuclear weapons, and then reducing the number of nuclear weapons? What are we doing?

I have told the story of the CIA agent called Dragonfire who, 1 month to the day, October 11, 2001, reported to his superiors there was evidence that a Russian 10 kiloton nuclear weapon had been stolen and smuggled into New York City by a terrorist group. That was exactly 1 month after 9/11 when Dragonfire provided that piece of information to the intelligence community. For a month or 2 months, there was an apoplectic seizure in the intelligence community, with the administration trying to figure out how to deal with this. No one from New York was informed, not even the mayor. It was later discovered this was not a credible piece of intelligence, and everyone breathed easier. But as they did the postmortem, they understood, it would have been possible, perhaps, to have believed a terrorist group could have stolen a low-yield Russian nuclear weapon. It would have been possible for them to have stolen it and to have smuggled it into a major city, New York or Washington, and it would have

been possible for a terrorist group to have detonated it. That is one nuclear weapon. There are 25,000 on this planet.

This morning on the way to work I heard a description on the radio of the nuclear weapons possessed by Pakistan. The question by some people who know a lot about this is whether there is an impossibility of someone from al-Qaida or the Taliban infiltrating the structure by which there is security for the nuclear weapons in Pakistan. That is an open question.

Earlier this year I was in Moscow, about an hour and a half outside Moscow, at a training facility we have helped fund in Russia to train for the security of Russian nuclear weapons. It is in all our interests—it is in the interest of the future of mankind—to understand the urgency to prevent the spread of nuclear weapons and to stop rogue nations and terrorists from acquiring nuclear weapons and, finally, at least to begin substantially reducing the number of nuclear weapons. That is what brings us to the issue of the START treaty.

I don't denigrate anyone or suggest that anyone who raises questions about this is uninformed. That is not the case. All of us want what is best for this country and for the world. We want to have arms reduction treaties and weapons reductions in a way that is verifiable and will strengthen the world's security. There have been a lot of questions asked. A lot of them have been answered. It is my hope that all of us who have been interested in this—and that is both Republicans and Democrats—will find ways to come together and pass this START treaty.

If I might, I will describe the unbelievable success we know occurs from this kind of activity. We don't have to test this. We know it works. Through the Nunn-Lugar program, which has been around for some while, we actually fund the activities to destroy weapons that previously were aimed at the United States. Albania is now chemical weapons free; the Ukraine, Kazakhstan, and Belarus have no nuclear weapons any longer; 7,500 warheads have been deactivated; 32 ballistic missile submarines; 1,400 long-range nuclear missiles; 155 bombers.

I know it is repetitive, but I wish to again say that I have in my desk a piece of wing from a Soviet Backfire bomber. We didn't shoot this down. I ask unanimous consent to show it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. As a result of Nunn-Lugar, we sawed the wings off. How is it that I stand on the floor with a piece of a wing from a bomber that used to carry nuclear weapons threatening to destroy this country? I do that because we know these work.

Ukraine is now nuclear free. This is a hinge from a silo that contained a nuclear-tipped missile aimed at the United States. This piece, from a silo containing an intercontinental ballistic missile aimed at America, is from a missile that no longer exists. The nuclear weapon is gone; the missile is gone. There are now sunflower seeds planted where there was previously a missile. I tell that to say: We understand what works. Arms negotiations, arms treaties with which we have tried to reduce delivery vehicles and nuclear weapons work.

I have just described the Nunn-Lugar program. Let me show a couple photographs of it. This is a Typhoon-class ballistic missile submarine that carried nuclear weapons. I have the copper wiring from this submarine in my desk, reminding all of us, again, that this works. We didn't have to destroy this submarine with a weapon under the sea in hostile action. We negotiated a treaty. It was taken apart.

This shows an SS–18 missile silo in Ukraine. We can see they planted dynamite and blew up the silo. Because we agreed with the Russians that we were going to reduce nuclear weapons, reduce delivery vehicles, that silo is now gone and sunflower seeds are planted where a missile previously had been.

Here is a photograph of a Blackjack bomber that the old Soviet Union and Russia had. We destroyed it, sawed off the wings. We know these kinds of treaties work.

The treaty negotiated is supported by so many people. ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, says:

> I, the Vice Chairman and the Joint Chiefs, as well as our combatant commanders, stand solidly behind this new treaty. This treaty represents our country's best interests, in my judgment.

There are many things to say in support of concluding an arms control agreement with the Russians. There are many questions that have been raised about the treaty and have been answered. When I described earlier the large number of people who say it is in this country's interest to support this treaty, I did not put up several of these, but let me say, Dr. Kissinger, said:

> I recommend ratification of the treaty. It should be noted I come from the hawkish side of this debate so I'm not advocating these measures in the abstract. I try to build them into my perception of the national interest.

This morning George Shultz, James Baker, Lawrence Eagleburger, Colin Powell, and Dr. Kissinger wrote an op-ed piece in the Post making the case.

Those who have raised questions about this are as concerned about our national security as anybody else. They believe, as I do, in the same goals. Let's keep nuclear weapons out of the hands of terrorist organizations and rogue nations. Let's stop the spread of nuclear weapons and, ultimately, let's try to reduce the number of weapons on this planet. I think everybody here who is involved are people of good will. My fervent hope is that in the coming couple weeks, as we conclude this session of the Congress, we will find a way to have on the floor this treaty which is so widely supported and be able to say, all of us of every persuasion, we did something that will have a lasting impact on the future of this country, the security of this country, and the security of the world. We did something that reduces nuclear weapons, the number of nuclear weapons among the two nations that have, by far, the most nuclear weapons. We did something that substantially reduces the number of delivery vehicles for nuclear weapons. This will provide for a much greater measure of security for us and the rest of the world.

Those who have spoken on this issue, giving different views, offering different views, I have great respect for them. Many of them and I were part of the national security working group. Along the line when the treaty was being negotiated, we had meetings in an area that is for top-secret presentations. All along the way we understood what was happening and how it was happening. I think this is a treaty that is mutually beneficial and represents not only the best interests of both countries that are parties to the treaty but especially the best interests of the world.

I started by saying the loss of one nuclear weapon exploded in one city on the planet would change everything about our lives. We have about 25,000 nuclear weapons on the planet. The security of those weapons, the ability to keep them out of the wrong hands, the ability to keep others from acquiring weapons, the ability to reduce weapons, all of that urgent and important. It doesn't always rise to the top in the debate in the Senate, but now we have that discussion around this treaty which is only a first step. I hope, by the end of this month, perhaps all of us could celebrate having a significant achievement for the security of the country and for the world.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY

Mr. BOND. Madam President, as America's energy needs continue to grow, so does our need for commonsense approaches to meeting these needs. Unfortunately, the Obama administration's announcement yesterday dealt a death blow to one of our most important ways to expand our domestic energy supplies. My message to the Obama administration is that we need to drill it, not kill it. Yesterday, the administration announced the eastern Gulf of Mexico and the Atlantic coast to be off-limits to any new offshore drilling for the next 5 years. In

other words, the Obama administration decided to deny Americans new domestic energy supplies, deny Americans new jobs, and make America's energy prices rise.

In the wake of the BP oilspill, there is no question we are reminded of the need to preserve our environment as we seek to expand our energy growth by drilling for more oil. As we continue opening up new sources of traditional energy in an environmentally friendly manner, preventing spills must be a top priority. However, arbitrarily—arbitrarily—closing off our own domestic supplies is not the answer.

First, this deathblow to offshore drilling will only make us more dependent on OPEC and Middle Eastern countries and hostile regimes that mean us harm. Also, this moratorium will cost us jobs at a time when America needs job creation more than ever.

The American Petroleum Institute estimates that we will not get 75,000 jobs as a result of the Obama administration's offshore drilling moratorium. Domestic production of energy will be integral for our economic growth. Production of domestic energy sources not only helps us meet growing demand and keeps us secure, but if the Obama administration removes their moratorium it will create jobs, and we need jobs.

Strict and arbitrary environmental regulations in place on coal mining, hydraulic fracturing of natural gas, and of offshore oil drilling just create a de facto moratorium on more production and on more jobs. Limiting production will make the sources we have available only more expensive. It is simply a matter of supply and demand.

As I have already mentioned, since energy demand will go up in the near future, these regulations—by hampering production—will serve as an indirect energy tax on consumers. Guess what. Remember, the $4-a-gallon gasoline we had a couple years ago? Well, we may see that, and even more, as a result of shutting off our domestic supply.

We should not be jumping to constrain domestic energy production without first giving any new regulations a very strict look to make sure we do not punish consumers just trying to power their households, fuel their vehicles, get jobs, and live their lives. We all know we need a new energy policy, one that enables us to find, create, and use domestically produced clean energy.

This is not the first time we have sought to do this, but the difference now is that we have a recession to contend with at the same time. People are struggling with high unemployment. In the Midwest, our manufacturing sector has lost thousands of jobs. In an economy with a stubborn, nearly 10-percent unemployment rate, the million-dollar question—or bigger than that—we all have these days is, How can we create jobs?

So as we approach changing our energy policy, while we all want to protect the environment—and we must—we have to ensure that the policies we choose will not have adverse consequences to economic growth. Unfortunately, too many of my colleagues, and some in the administration, are focusing on jamming through Energy bills that would impose job-killing tax increases on farmers, small businesses, and families. Their ideas have ranged from a cap-and-trade tax bill to others that pick winners by awarding massive taxpayer-funded incentives to some and, in the process, harming others.

I think there is a better way to move our Nation to energy independence. The commonsense approach we have to take would make use of the clean, reliable sources we have here without picking sources and technology winners. We need to develop affordable, homegrown, and clean energy solutions to help push our Nation toward an independent and more environmentally friendly future.

I am by no means an expert on this subject, but I have been around the block a time or two, so I support many strategies to reduce our dependence on fossil fuels and cut pollution. I have to stress that, in fact, we will continue to rely on fossil fuels to meet a large portion of our energy demand. Coal accounts, for example, for 50 percent of our Nation's electricity generation and over 80 percent of Missouri's electricity. So we have to harness our abundant supply of coal in a clean way by helping to advance carbon capture and sequestration, or CCS.

City Utilities of Springfield, MO, and others are conducting a project to assess the feasibility of carbon sequestration in smaller, shallower saline aquifers and individual powerplants. Much of the CCS research to date has focused on deep saline aquifers in large geological basins often far removed from most powerplant sites.

When complete, however, this pilot demonstration being conducted in Springfield may yield new lessons about CCS technologies that can be applied to powerplant sites in specific locations across the Nation.

Nuclear power, such as coal, is also an important source of base-load power, and it must also play a role in our energy future. Nuclear energy generates more than seven times as much zero-carbon electricity as all renewable sources combined.

In 2007, for example, nuclear energy prevented the emission of 693 million metric tons of carbon dioxide—roughly the equivalent of taking all U.S. passenger cars off the road. Of course, generating nuclear power results in waste that must be stored or otherwise dealt with, and we have spent billions of dollars on an improved site to store that waste at Yucca Mountain in Nevada. Unfortunately, political opposition has stalled, perhaps permanently, the operation of that site.

A real solution can be found in nuclear reprocessing, which reuses spent nuclear fuel and can produce the same amount of energy and leaves only 5 percent of the waste. France does it. Why should not we?

We must have policies in place that spur the development of more zero-emission nuclear power so we can harness all of its promise. And we must eliminate the layers and layers of bureaucracy and regulations which do not add to the safety of that power produced.

I agree we need to develop other zero-carbon sources, such as renewable energy sources. Missouri power providers are currently expanding their wind generation, and we have a number of wind turbines. Also, a few families and businesses receive a portion of their power from wind farms in Kansas.

Every day we are making advances in solar power, but this and wind power currently require huge taxpayer subsidies just to set up the operations, and it is followed by a $20-per-megawatt taxpayer subsidy when and if they produce power.

Our State of Missouri, however, is blessed with hydropower sources which could be expanded by installing hydropower generation on existing Mississippi River locks and dams. But it is unlikely these renewable sources can provide more than a fraction of the energy we use, even in Missouri.

So we must avoid national renewable energy standards that arbitrarily set requirements without ensuring that families and workers continue to receive the affordable power they need. Intermittent wind and sunlight mean we must always ensure that a reliable base source of power remains in place to back them up.

Another way to make these sources more viable is through new battery technology that will help stabilize these sources' power flow. As a longtime leader in the battery industry, Missouri is also leading the way in advanced lithium-ion batter development and energy storage.

For example, Dow-Kokam in Kansas City is using lithium-polymer technology to make batteries lighter, longer lasting, smaller, and quicker to charge. Not only would batteries make renewable sources more viable, they would help with peak shaving by storing large amounts of energy produced at offpeak times.

When talking about batteries, of course, we cannot help but think about the promise that electric cars have to transform our transportation system and get us off our dependence of foreign oil.

I am a strong supporter of the increased use of hybrid and electric vehicle technology. Smith Electric Vehicles in Kansas City is building delivery trucks, which are the world's largest electric vehicles with a top speed of 50 miles an hour and a range in excess of 100 miles on a single overnight charge of the truck's battery at a time when there is available electricity on the grid between 10 p.m. and 6 a.m. not otherwise being used.

But even with the promise of electric vehicles, American families, drivers, and workers still will need a plentiful supply of transportation fuels to power their cars. I do agree we eventually need to lessen our dependence on fossil fuels, and that is why I have been a longtime supporter of using renewable biomass for fuel and for energy.

The biofuels industry has created good, often high-paying jobs which are critical to the Midwest where we have lost so many manufacturing jobs to the recession. I have been a longtime supporter of keeping tax incentives in place for the ethanol and biodiesel industry. These tax incentives, plus increased support for infrastructure to deliver these fuels, will be imperative as the industry becomes more competitive with traditional fuels. We must extend the volumetric excise tax credit, which we promised in the Congress to the farmers who set up the cooperatives to develop ethanol and biodiesel sources. In my opinion, one of the most exciting things about this industry is that it drives the development of low-carbon feedstocks.

So I will close by talking about the potential that my home State of Missouri has to be a leader in a large part of our clean energy future by providing some of this homegrown energy, or biomass.

We have made great progress in Missouri in the use of algae and carbon dioxide from fuel. Missouri also has abundant farmlands and forests that can provide diverse biomass feedstocks to generate electricity or produce renewable fuels. For example, a University of Missouri study found that Missouri's 2.5 million acres of corn and 5 million acres of soybeans produce a combined 13 million tons of dry crop residue each year which can be converted into electric energy or, through cellulosic operation, into fuels.

Now, our forests alone can potentially provide 150 million tons of wood residues from scrub timber annually on a renewable basis. Together, that is a lot of biomass feedstock that is homegrown and that is carbon neutral because it takes in energy as it grows, releases that energy when it is burned, and takes it in again as replacements are grown. If we do not harness it, that energy is released when the wood or the biomass degrades.

Missouri entrepreneurs are developing new technology to convert municipal solid waste into clean burning biochar, which can supplement our biomass producers. In addition, Missouri is home to some of the foremost researchers in clean-burning biomass at the University of Missouri-Columbia.

Last but not least, the State of Missouri Department of Agriculture is on the cutting edge in supporting burgeoning biomass technology.

By creating a thriving biomass industry, we would not only help create our clean energy future, we would also create much needed new jobs in Missouri and Midwestern States by providing income to struggling farmers and agroforesters.

We must promote these clean energy strategies in a market-friendly way, and taxing our suffering families' and workers' use of energy is not the way. Produce more, do not tax more. Taxing it does not increase the production of it. Promoting these clean energy strategies is a bipartisan win-win-win, and I hope all of my colleagues will join me in helping this become a reality.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NASA

Mr. NELSON of Florida. Madam President, we had a hearing in the Commerce Committee yesterday about the future of NASA. We had the President's science officer, the head of the Office of Science and Technology Policy, Dr. Holdren; and the Chief Financial Officer of NASA, Dr. Robinson. We pointblank asked both of them if they intended to follow the new law, the NASA authorization bill, that sets out a visionary course for the future of our manned and unmanned space program. They both indicated they would absolutely follow the direction of policy within the administration; they would follow the law.

Clearly, this has the President's stamp of approval. For once, we passed the bill unanimously in the Senate and by a three-quarters vote in the House of Representatives. The President then signed the bill into law. It is the President's policy. It is a policy that balances a number of things.

We continue the International Space Station at least until the year 2020, a space station, by the way, that is just now being completed after over a decade of construction. It is designated as a national laboratory, but a host of nations are all participants in the International Space Station, and cutting-edge research will be done utilizing the unique property of zero gravity of orbit as the space station orbits the Earth at 17,500 miles an hour.

We will start to develop new rockets that, as we speak, are being developed to carry cargo to and from the International Space Station. Those rockets will be in a competition between commercial companies, a competition conducted by NASA for making those rockets safe enough in order to take crew to and from the International Space Station and, at the same time, realizing that NASA's real vision is to go out and explore the heavens.

The NASA authorization bill starts the development of a heavy-lift rocket that will be able to take components up into low Earth orbit, where they can be assembled, and then ultimately to fulfill the President's goal he has set, which is to go to Mars.

The path by which we go to Mars is yet to be determined. A lot of that will depend upon the development of technology. There is within this NASA bill a robust technology development program for such missions as going to Mars or to an asteroid or whether we go back to the Moon. We were on the Moon 40 years ago. Now it is time to venture on out into the cosmos.

Under conventional technology, it would take 10 months for us to get to Mars, and by the time you got there, the realignments of the planets as they orbit the Sun would cause us to have to stay on the surface of Mars for a year until the planets were realigned where Earth was going to be close enough to Mars for the 10-month return journey. So, naturally, there is development going on by a number of entities, but one in particular headed by the astronaut who has flown more than any other astronaut—seven times—Dr. Franklin Chang-Diaz. He has been developing over the years, even from the time he got his Ph.D. at MIT, a plasma rocket, and that rocket is being now sufficiently developed that they are ready to do the testing stage and carry a small version of the rocket to the International Space Station, where it would be attached. A plasma rocket gives a constant stream of plasma energy that would keep the space station boosted to its height instead of constantly having to boost it every year or so because the orbit degrades. That plasma rocket would take us to Mars, if perfected, in 2 months instead of 10 months. If you go to Mars that fast—and by the way, that is going at 400,000 miles per hour—if you go that fast, then you don't have to stay on the surface of Mars for a year because you can stay there for a first trip for a few days, and the planets are still aligned so they are close enough so that in a 2-month period, you would be able to get back.

These are exciting things for the future of both the human space program and the nonhuman space program. The development of technologies in Earth science, the unmanned portion—we have a fairly significant increase in the NASA budget with regard to the science portion.

There is a huge increase in the budget of NASA for aeronautics. Remember, the first ''A'' in NASA—it is the National Aeronautics and Space Administration. The first ''A'' is aeronautics. There is a huge increase in the research and development for aeronautics. A lot of the airplanes we take for granted today or the cutting-edge advances in our military aircraft, where do we think that originally came in? It came from the research and development through NASA.

So, naturally, the Commerce Committee wanted to make sure the administration, given some of the uncertainties of the actual funding levels, is on point to follow the NASA authorization law. We received those assurances yesterday.

It is our hope that as we now come to decide how we are going to fund the rest of the government for the rest of the fiscal year—we are already into the fiscal year, October and November and going into the third month of the fiscal year; a fiscal year that started October 1—we are hoping that, at the very least, we can take the existing appropriations from last year, the fiscal year 2010, and carry that forward, at the very least, for NASA. What that would mean is instead of having funding at $19 billion for 2011, the funding would be at last year's level of $18.724 billion. That would be $276 million less than the authorized level. NASA can live with that. The exceptional goals that are set in this NASA bill can be achieved with that cut, which is less than 1.6 percent of the total NASA authorized level—clearly, it can be done under these very austere times.

So I am hopeful, on the basis of what we saw yesterday and heard in the Commerce Committee, we will be able to go forth. A third shuttle flight will be added that will fly next summer. As we transition into the new commercial rockets, as we transition into the development of the new heavy-lift rocket, along with its spacecraft known as a capsule, as we transition into the extension of the International Space Station, the modernization of our space facilities, particularly at the Kennedy Space Center—as we transition into all that, we will have less of a disruption of the employment in the space community than otherwise would have been the case with employment dropping precipitously off a cliff because of the shutdown of the space shuttle program.

I am encouraged, I am optimistic, I am grateful, and I was happy to hear the unequivocal statements by the administration yesterday in support of the NASA bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LEAHY. Madam President, in a letter sent yesterday to Senate leaders, former Deputy Attorneys General of the United States who served in both Republican and Democratic administrations urged the Senate to consider the nomination of James Cole to be the Deputy Attorney General without further delay.

The Deputy Attorney General is the No. 2 position at the Department of Justice. It is a critical national security and Federal law enforcement position. These former officials who served with distinction in that post write that the deputy is ''the chief operating officer of the Department of Justice, supervising its day-to-day operations'' and that ''the deputy is also a key member of the President's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11.'' These former Deputy Attorneys General are right. I thank them for speaking out to urge the Senate to complete consideration of this important nomination.

I ask unanimous consent that their letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Incidentally, the Deputy Attorneys General who served in both Republican and Democratic administrations who signed this letter were Donald Ayer, Carol Dinkins, Mark Filip, Jamie Gorelick, Philip Heymann, Paul McNulty, David Ogden, and Larry Thompson.

Mr. Cole's nomination has been pending on the Executive Calendar for 4½ months, since it was reported favorably by the Judiciary Committee in July. I have a hard time remembering any time, in either a Democratic or Republican administration, that the Deputy Attorney General has been held up like this.

Those Republican Senators who continue to block us from considering this well-qualified nominee should come forward and explain why they feel it is justified to continue to leave America without a crucial resource we need to combat terrorism and to keep the country safe. Instead of doing this anonymously, the Senators ought to step forward and say why we cannot confirm this Deputy Attorney General, the No. 2 law enforcement position for the whole United States of America.

Today, I will seek unanimous consent for a time agreement to debate this nomination and finally have a vote in the full Senate. I have alerted the distinguished ranking member of the Judiciary Committee of this request. Those who oppose the nomination are free to say why and they can vote no, but let's end the stalling.

You have Senators say that they don't want to vote yes and that they don't want to vote no, but that they want to vote maybe. This is what is happening now with the nomination for the No. 2 law enforcement official of the country.

Madam President, we were all elected for 6-year terms, with the responsibility to vote yes or no in the best interests of the United States. Voting maybe does not serve those interests.

President Obama nominated Jim Cole to be Deputy Attorney General on May 24. That was 6½ months ago. I thank the Judiciary Committee ranking member, Senator SESSIONS, for working with me to schedule a hearing on the Cole nomination while the committee was preparing for Justice Kagan's confirmation hearing.

The problem was not with the Senator from Alabama. He helped me move forward with that hearing in the committee, and I wish we could have proceeded in the same spirit in the Senate. As the former Deputy Attorneys General wrote, ''Because of the responsibilities of the position of Deputy Attorney General, votes on nominations to fill this position usually proceed quickly.'' They also note that of the 11 nominations to fill this position over the last 20 years, from both Democratic and Republican Presidents, ''none remained pending for longer than 32 days.'' Indeed, all four of the Deputy Attorneys General who served under President Bush, three of whom signed the letter we received yesterday, were confirmed by the Senate by voice vote an average of 21 days after they were reported by the Judiciary Committee. In fact, we confirmed President Bush's first nominee to be Deputy Attorney General the very same day it was reported by the committee.

We should treat the nomination of Jim Cole with the same urgency and seriousness with which we treated President Bush's nominations of Larry Thompson, James Comey, Paul McNulty, and Mark Filip. We should reject the strategy of some Senate Republicans of elevating their partisan goal to weaken the Obama administration over taking actions to keep us safe.

In November, over 4 months after Mr. Cole responded to written questions following his confirmation hearing, only two Senators sent him additional followup questions on a topic covered extensively during the earlier questioning. Two weeks ago, Mr. Cole promptly answered even these additional questions. There is no reason for Republicans to continue blocking the Senate's consideration of this nomination.

Jim Cole served as a career prosecutor at the Justice Department for a dozen years and has a well-deserved reputation for fairness, integrity, and toughness. He served under both Republican and Democratic Presidents. He clearly demonstrated during his confirmation hearing months ago that he understands the issues of crime and national security that are at the center of the Deputy Attorney General's job.

The nomination received strong endorsement from Republican and Democratic public officials, and from high-ranking veterans of the Justice Department, including the letter to the Senate leaders yesterday from eight former Deputy Attorneys General who served in the administrations of President Reagan, President George H.W.

Bush, President Clinton, President George W. Bush, as well as the current administration. Former Republican Senator Jack Danforth, who worked with Jim Cole for more than 15 years, described Mr. Cole to the committee as someone without an ideological or political agenda.

The months of delay of this nomination have been unnecessary, debilitating and wrong.

EXHIBIT 1

DECEMBER 1, 2010.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. ADDISON MITCHELL MCCONNELL,
Senate Minority Leader,
Washington, DC.

DEAR LEADERS REID AND MCCONNELL: We are a bipartisan group of former Deputy Attorneys General of the United States. We write to urge the expeditious consideration by the Senate of the nomination of James Cole to be Deputy Attorney General.

The Cole nomination was received by the Senate on May 24, 2010, and reported favorably from the Judiciary Committee on July 20, 2010, so the nomination has been pending before the Senate for more than one hundred and twenty days. Because of the responsibilities of the position of Deputy Attorney General, votes on nominations for this position usually proceed quickly. Over the past twenty years, presidents of both parties nominated eleven individuals to serve as Deputy Attorney General. Their nominations were pending on the Senate calendar for an average of twelve days, and none remained pending for longer than thirty-two days. Nine of the eleven nominees were confirmed by voice vote or unanimous consent.

The position of Deputy Attorney General is an important position in the federal government. The Deputy Attorney General functions as the chief operating officer of the Department of Justice, supervising its day-to-day operations. As such, the Deputy plays a central role in ensuring effective enforcement of federal laws, including laws against mortgage fraud, health care fraud, organized crime and child exploitation. The Deputy is also a key member of the president's national security team, a function that has grown in importance and complexity in the years since the terror attacks of September 11. He or she supervises the work of the Department's National Security Division, and is called upon to make crucial, time sensitive decisions to protect the American people.

There is a capable individual currently serving as Acting Deputy Attorney General, but it is important to the proper functioning of the Department that there be a confirmed official in this position. Only a Deputy appointed by the President may formally and automatically assume all of the duties of the Attorney General when that Cabinet official is unavailable for one reason or another. And there is at least one critical statutory responsibility that an Acting Deputy cannot perform—signing applications to the Foreign Intelligence Surveillance Court.

We strongly urge that the Senate vote on the nomination of James Cole as soon as possible.

Sincerely,

DONALD B. AYER,
CAROL E. DINKINS,
MARK R. FILIP,
JAMIE S. GORELICK,
PHILIP B. HEYMANN,
PAUL J. MCNULTY,
DAVID W. OGDEN,
LARRY D. THOMPSON.

Mr. LEAHY. At this time—and I note that my colleague from Alabama is in the Chamber—I propound the following unanimous-consent request:

I ask unanimous consent, as if in executive session, that at a time to be determined by the majority leader, following consultation with the Republican leader, that the Senate proceed to executive session to consider Calendar No. 1002, the nomination of James Michael Cole to be Deputy Attorney General; that there be 2 hours of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee; that upon the use or yielding back of such time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; and that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, reserving the right to object—and I will object—I would first thank my colleague, Senator LEAHY, for the courtesy as he has moved forward with this. He is a relentless chairman pushing for these nominees. I respect his responsibility and his belief that this nominee needs to move forward, and, frankly, it is about time—we need to fish or cut bait on it. I do not think an indefinite delay is good for the country.

This nomination does have controversy. Most of the nominations the President has submitted did clear unanimously in our committee, but this nomination resulted in all the Republicans on the committee voting against it. But I now understand that our two leaders, Senators REID and MCCONNELL, are working at this moment to try to figure which nominees should move before we recess—and hopefully before too many days—and perhaps this nominee will be in that group. But until those talks are complete, I would object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, I am disappointed. The Republicans are saying there is a double standard. All of the Deputy Attorneys General nominated by Republican presidents have been confirmed, most by voice vote, within a month. This one has waited on the floor for over 4 months and we still cannot even get a vote. As Senators, we should all at least have the courage to vote yes or to vote no. Eventually, we have to stop voting maybe. It allows everybody to go home and say: I may be here on an issue or I may be there. We are Senators and we must have the courage to vote yes or to vote no. We cannot continue to vote maybe, especially on the No. 2 law enforcement officer of the United States. President Bush's first deputy, was confirmed within 24 hours of being reported from Committee, while James Cole has waited 6 months for a vote. Voting maybe is not a profile in courage in the Senate.

I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I ask unanimous consent that the recess start 2 minutes from now.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama.

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Did you say recess in 2 minutes?

Mr. CARDIN. I would be glad to make that longer. We have an order, as I understand it, to recess at 12:34. I wanted to make a brief comment. If the Senator would like some time, I have no objection.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I would ask that the unanimous-consent request allow me to have 5 minutes when the Senator finishes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I certainly have no objection. That is a fair request.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, I wanted to follow up for a moment because we are talking about the No. 2 person in the Department of Justice, and one of our responsibilities is to make sure executive agencies perform their function. The Judiciary Committee has the responsibility to make sure the Department of Justice is doing its work. But we, the Judiciary Committee, recommended the confirmation of the Deputy Attorney General 6 months ago. How can we expect the Attorney General to get the work done if we do not give him the help in the confirmation process?

I agree completely with the chairman of the Judiciary Committee—we should have the courage to vote up or down a Deputy Attorney General—but I really took this time because I find it amazing that Jim Cole has not been confirmed. See, I happen to know Jim Cole. I have had experiences of working with Jim Cole in my official capacity as a Member of Congress. He was selected to be our Special Counsel in an extremely complicated and difficult matter in the Ethics Committee in the House of Representatives. He wasn't selected by me. At the time, Porter Goss, a Republican from Florida, was the chairman of our committee, and he worked with six of us in a very difficult investigation, and he brought the six of us together because of the professional manner in which Jim Cole attacks any of the problems with which he is confronted. He is not a partisan; he is a professional. He is a professional who

understands what it is in the Department of Justice and public service. He has worked for both Democratic and Republican administrations. He has been recommended by both Democrats and Republicans. He is not at all a partisan. He is the person whom you would want to have in the Department of Justice. And that is why Porter Goss said he found Jim Cole to be ''a brilliant prosecutor and extraordinarily talented''—quoting from the Republican from Florida, who, along with the Democrats, was very proud of the professional work Jim Cole brought to a very partisan battle in the House of Representatives.

We should confirm this nominee. We should at least vote on this nominee. But to use this somewhat backward approach to deny a vote on the No. 2 person in the Department of Justice is just wrong.

I understand Senator SESSIONS is saying there will hopefully be an agreement before the end of this Congress. But, quite frankly, this nominee came out in July. It is not as if he came out of the committee last week. He came out in July. This is an important position, and I think we have a responsibility to vote up or down this important part of the ability of the Department of Justice to carry out its important mission. So I am disappointed that we had an objection heard on this nominee. I would urge everyone to make sure this nominee is voted on prior to when we leave for this holiday recess.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the President and the Attorney General need a Deputy Attorney General who can function, who has the confidence of the Congress and the American people and will do an excellent, first-rate job.

There are questions about this nominee. Every nominee who has been nominated for the Deputy Attorney General or other positions in the Department of Justice by President Bush was not rubber stamped within a day or two. Tim Flanigan, a highly competent nominee, was opposed by Democratic lawmakers aggressively after 9/11. The President withdrew him from consideration and then nominated someone who was promptly confirmed. He did not try to ram it down our throats.

Frankly, we have a problem of confidence in the Department of Justice. The Attorney General himself, perhaps following the lead of the President, has indicated on a number of different occasions a lack of commitment to vigorous action to prosecute terrorists who have attacked the country, and he has taken other steps.

I would have liked to have seen a Deputy Attorney General nominee who was not in that mold but who was more of a career prosecutor who would have helped bring some balance and input from a more traditional view of the role of the Attorney General as someone who prosecutes criminals, protects the United States, defends law-abiding Americans from terrorists and criminals who attack them. That was the approach I took when I was attorney general. I hired people who were proven prosecutors. But Mr. Cole, for example, right after 9/11, indicated his belief that these attacks were not acts of war but instead were criminal acts; he wrote this in an article:

> For all of the rhetoric about war, the September 11th attacks were criminal acts of terrorism against the civilian population.

I do not agree with that. The American people do not agree with that. Why does the President want to appoint somebody who thinks 9/11 was a criminal act and not an act of war? I think it is a big deal, so that is one of the reasons we have raised it. Is he going to bring some balance to Attorney General Holder or are they going to move even further left in their approach to these issues?

I would also note he was given a highly paid position as an independent monitor of AIG. This is the big insurance company whose credit default swaps and insurance dealings really triggered this entire collapse of the economic system. He was in the company at the time as a government monitor, and he did not blow the whistle on what was going on throughout this period of time.

It is argued that he wasn't precisely there to monitor. Sue Reisinger of Corporate Counsel wrote this about his handling of that matter:

> It is as though Cole were spackling cracks in the compliance walls and never noticed that AIG's financial foundation was crumbling beneath his feet.

Mr. LEAHY. Madam President, would the Senator yield?

Mr. SESSIONS. One more point.

Beatrice Edwards of the Government Accountability Project criticized Cole for failing to ''detect an atmosphere of . . . laissez-faire compliance of the company.'' So he has been criticized for a big, important role he had.

Those were just some of the concerns held in committee. And I wish the President had nominated somebody like Larry Thompson, who was Department Attorney General under President Bush, and whom everybody respected and would have been confirmed like a knife through hot butter.

Mr. LEAHY. Madam President, in a way, the Senator is making my point. If he has questions about Mr. Cole, let him argue them, debate them, set a time, and then vote yes or vote no. Particular issues come up in the Senate, such as nominees, and Republicans hold them up so they never come to a vote. Then the Senators can take any position they want to back home.

All I am saying is that we must vote yes or no and not maybe. We have too many issues in the Senate, whether it is tax matters, don't ask, don't tell, or nomination, where we continue to delay a vote.

I know the distinguished Senator from Alabama has never hesitated to vote yes or no in committee, and I commend him on that. Many times we agree, and a number of times we disagree, but he states his position as a yes or no. He and I have voted on this issue in committee and stated a position. I just hope everybody else can as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank the chairman of our committee. He is doing what I would do if I were in his place, in saying: Let's give this nominee an up-or-down vote and let's have a debate on it. Our leaders are working on that, and perhaps that can be accomplished. But it must be noted that this is a nominee who has some controversy.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

The PRESIDING OFFICER. The Senator from Maryland.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. CARDIN. Mr. President, the 111th Congress is drawing to a close and families across the Nation are preparing for the holiday season. In the Senate, we still have many items on our agenda, bills we need to complete before we adjourn. Many of these bills represent the priorities of various Senators addressing issues that some have worked on for this entire Congress, some for several Congresses. Other bills are necessary to prevent certain longstanding policies from expiring, such as tax relief for working families, and still others are needed to avert cuts in key programs such as Medicare payments to doctors and protecting rehabilitative services for seniors.

In addition to marking the start of the holiday season, this week also brings a devastating reminder of the economic disaster facing many families. On Monday, action to extend unemployment benefits to millions of people was blocked in the Senate by Republicans. Yesterday, those benefits expired. The Republicans are telling us we cannot consider any legislation until we take up tax breaks for millionaires. On December 1, more than 800,000 Americans were left without benefits and up to 2 million more will soon follow by the end of the year, including 48,000 Marylanders. There are some in this body who may not recognize the peril facing families whose benefits are being cut off. Every day I hear from Marylanders who are asking

Congress for help. They want to work but can't find employment. Many have been looking for a long time, over a year, sending hundreds of resumes, pounding the pavements, attending job fairs and numerous interviews, all to no avail. They want us to take the steps necessary to help the economy create jobs, and they need some assistance in the meantime to help them stay afloat.

Maryland's unemployment rate stands at 7.4 percent statewide. Although that is lower than the national average, in some counties the situation is more dire. In Baltimore City, the rate is 11 percent. In Dorchester County, it stands at 9.8 percent. In Somerset County, it is 9.9 percent, and in Washington County, it is almost 10 percent. Earlier this week several building trade workers visited my office. For them this is not a recovery, this is not a recession, this is a depression. That is because in the construction industry, unemployment rates range from 30 to 50 percent, depending on location. Among one local union in Baltimore the unemployment rate is 27 percent; more than one out of every four members has no job.

In fact, Labor Department statistics tell us that for every job opening there are five individuals actively seeking employment. The odds are not very good for someone trying to find employment today. That is why we have had long-term unemployment and why we need to extend benefits to those who are in need today. Nearly 15 million of my fellow Americans cannot find work. Of that total, the number of long-term unemployed, defined as those who have been jobless for 27 weeks or more, is about 6.2 million. As of last month, two-fifths of unemployed persons have been out of work for at least 27 weeks. Behind the aggregate numbers, there is a deeper sense of despair in many communities. Teenage unemployment is over 27 percent, Black unemployment is over 15 percent, and Latino unemployment is over 12 percent.

In addition to the number of people out of work and seeking work, the Department of Labor also calculates data that includes people who want to work but are discouraged from looking and people who are working part-time because they can't find full-time employment. In October 2010, the rate stood at 17 percent in that category.

During the course of this national debate over unemployment compensation, a number of issues are in contention: those who say the jobs are there and people should continue looking; whether this should be paid for or considered emergency spending; whether we should focus on growing the economy rather than on benefits; whether it is time to end benefits because the economy is recovering; that the unemployed do not deserve extended benefits and more.

Let me address some of these issues. For those who say the jobs are there but people just aren't looking, in September 2010, almost 15 million workers were unemployed, but there were only 3 million job openings or five unemployed workers for every available job. In other words, if every available job were filled by unemployed individuals, four out of the five unemployed workers would still be looking for work. Last night we heard in this Chamber that the objection to extending unemployment benefits is because it is not paid for. It is right to extend tax breaks for millionaires and not pay for it because that somehow is an emergency situation, but extending unemployment benefits to those who are in dire need doesn't qualify as emergency spending. Historically, unemployment compensation extensions have been treated as emergency spending by Congresses and administrations going back to the Reagan administration. Families across Maryland and the Nation will tell us that when you have a mortgage that is due, when your heat is about to be cut off, when you cannot buy groceries for the family, that is an emergency situation. Their situations constitute emergencies, and we should treat them as such.

For those of my colleagues insisting extending benefits is not as important as getting the economy back on solid footing, I point out that numerous economists have pointed out the value of unemployment insurance benefits. These are dollars going back into the market, raising consumption, and creating jobs.

Let me compare it to what my Republican colleagues are saying about tax breaks for millionaires. Where is that going to benefit the economy? That money isn't going to go right back. We know unemployment benefits do go right back into the economy. The nonpartisan Congressional Budget Office has estimated that for every $1 we spend in unemployment compensation, we generate more than $1.90 back into the economy. In other words, it is a stimulus. The nonpartisan CBO has analyzed 11 different measures for their effectiveness in growing the economy, and it rates extending unemployment benefits as the single most effective tool. This helps job growth. When people receive unemployment benefits, they spend it immediately. That helps retail establishments, grocery stores, including many small businesses, and the overall economy. It is the definition of stimulus spending, and it is immediate.

With no extension, unemployed workers and their families will have less money to spend and will cut back on their purchase of goods and services, resulting in weaker sales, hurting businesses, and costing jobs.

Another sentiment I have heard expressed is, we are giving a handout to unemployed Americans. Unemployment insurance is not a handout. It is not government largesse. Unemployment insurance is just that. It is an insurance program. It is an insurance program employees and employers contribute to so during difficult times, there is money available when a person loses their job. People receiving benefits had jobs, and the time they worked is reflected in the weeks of benefits they receive. This is an insurance program. It is countercyclical. It is supposed to be available during tough economic times. That is why unemployment insurance is paid. These funds should now be available to help people who need them.

Finally, I wish to address a misconception about the amount of unemployment benefits. These are not extravagant payments. The average benefit amounts to $302 per week.

The reason we are told we can't bring this up is because we have to bring up the tax bill first. We can't get the tax bill up because Republicans are insisting we have to deal with the millionaires. The tax breaks for the millionaires are far more money than the $302 per week for someone who is on unemployment compensation. What these families receive is not a lot of money, but it is a lifeline. It keeps food on the table, heat through the winter months, and gas in the car while they are continuing to look for jobs. The extension only gives those who are eligible for unemployment benefits the same number of maximum weeks we provide others during these economic times. It does not lengthen the total number of eligible weeks of benefits.

The highest unemployment rate at which any previous Federal emergency unemployment program ended was 7.2 percent in March of 1985, during the second Reagan administration, much lower than where we are today. So where do we stand? We have passed several short-term extensions, and we need to act again. Here we are today, as 800,000 Americans across the Nation have no benefits whatsoever. Yet our Republican colleagues object. They object to a short-term extension. They object to any extension. They say: First, let's bring up the tax bill that provides breaks for millionaires, and we can't bring up the middle-income tax relief until we take care of the millionaires.

Nearly every Member of the Senate has risen to talk about the need for job creation. I believe all of us are sincere. Each of us is committed to acting on legislation that will create more job opportunities for Americans. We have passed the Recovery Act and a Small Business Jobs Act and will soon consider tax extenders that will further help businesses invest more in jobs. Rather than abruptly cutting off those still in difficult times because of the economy, we should pass at least a 1-year extension of unemployment compensation benefits. On behalf of the millions of American families who will be affected by what we do or fail to do this week, I call upon my colleagues, at the start of the holiday season, to recognize the needs of families struggling to make ends meet and agree to an extension of this essential program.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

UNANIMOUS-CONSENT REQUEST—S. 3981

Mrs. BOXER. Mr. President, the American people deserve to know why we are not legislating. We are all here, and we are not passing any bills, bills that are important to the American people; for example, a bill to keep the government operating. We are getting to the point where we are running out of time. We are not doing that today. A bill to authorize the Defense Department, here we are in the middle of two wars, we are not doing that bill. A bill to help victims of 9/11, the brave first responders who are suffering because they worked, some of them almost 24/7, in the debris that was so toxic to them, and I remember then EPA Administrator Whitman saying it was all fine, it was all safe, the air was OK. We need to help them. We are not doing that. A bill to help our firefighters, a bill to help firefighters have the dignity to be able to negotiate for their wages, a bill called the DREAM Act to help many productive young people join the military and go to college and help our country, we are not doing those either. We are doing nothing. We are not doing a bill to promote manufacturing that was offered by one of my colleagues. We are not doing a bill to give tax breaks to companies that hire unemployed workers. We are not doing a bill to end tax breaks for companies that ship jobs overseas. We are not doing the START treaty, a treaty that is endorsed by international experts from America on both sides of the aisle, including George Shultz, and people who worked for Ronald Reagan and George Bush. We are not doing that.

All these bills, including the unemployment insurance extension, which is so critical, all that is being held hostage by my Republican friends who all wrote a letter and put their names on it. I am not making this up. It is in writing. They said they would do nothing until they won tax break bonuses for those who earn over $1 million, the millionaires and the billionaires. They are holding up all this important work. To me, it is shocking. I have heard of having an objection to a bill and having a strong moral objection to a bill and holding things up. They are holding up every single thing, as my friend, Senator STABENOW, has talked about for days now.

Here is the point: Democrats have agreed to give every working American a tax break on their first $250,000 of income, every working American, up to the sky, a tax break on the first $250,000 of income. We even offered to go up to the first $1 million because some of our friends said: Oh, 250 isn't high enough. There are some small businesses in there. We investigated that, and 97 percent of small businesses would be protected with the $250,000 level. But if we go up to 1 million, all the small businesses are taken care of. We have expressed interest in going up to $1 million. Guess what. This is not enough for the Republicans in the Senate. They are fighting for those earning over $1 million, over $1 billion. It doesn't matter. They are holding everything hostage.

Let's be clear. They are fighting, they are united, they are strong, they are adamant on behalf of the billionaires of this country, by the way, many of whom said: Please, we don't need any more tax breaks. We are doing great.

So if ever people wanted to know which party fights for whom, this is it, folks. This is the clearest example I have ever seen in my life.

Do you know that under the Republican plan a family earning $10 million a year—listen, $10 million a year—will get back, under their plan, $460,000 every single year? They are fighting for that.

They say they care about the deficit. I do not see that because their position on tax cuts for millionaires and billionaires will add hundreds of billions of dollars to our deficit. But when you ask them whether they would be willing to help us to extend unemployment benefits to the workers who are caught in this deep, dark recession, they say: Oh, we can't afford it.

So listen, they will not pay for the tax cuts to their millionaire, billionaire friends, but they insist on cutting the Federal budget to pay for extending unemployment insurance, which, as far as I know, has never been done before. It is an emergency funding, and it is, by the way, $50 billion compared to $400 billion.

So I hope the American people—I know they have a lot of things to do, getting ready for the holidays and caring about families; unfortunately, many of them are worried this holiday; more than 400,000 workers in California will lose their unemployment benefits by the end of December—I hope they see who is fighting for them versus who is fighting for the millionaires and the billionaires. It is right out there.

I could not believe that one of my colleagues from the other side of the aisle, from Massachusetts, was outraged that we tried to extend unemployment benefits. Why is he outraged? He should be outraged that more than 2 million workers nationwide will lose their benefits by the end of December. We just got a report that 7 million unemployed workers could be denied access to benefits by the end of next year, while my Republican friends are fighting to get $460,000 a year for someone who earns $10 million. They would allow 7 million unemployed workers in our country to go without benefits.

Their proposal is: Well, let's cut a program. Well, ask any economist about that. That is harmful to an economic recovery. We know that for every $1 of unemployment insurance that gets spent, it has an impact of $1.61 to the economy because folks on unemployment are not like the $10 million-a-year family that is going to stick it in their trust fund; they are going to spend it in the corner grocery store, and that has a ripple effect throughout the economy.

I wish to read to you a statement by Laura from Long Beach, one of my constituents.

> Today my parents' unemployment benefits expired. Today, I don't know how they're going to make it. I don't know what I'm going to do.
>
> This morning I woke up to hear that the Republicans in the Senate have signed a letter pledging not to allow anything to pass until Bush tax cuts are reinstated. These are the same tax cuts that only help people who are employed, excessively wealthy, and people who will never hire my dad, who is a hard worker—but nearing 60.
>
> He experienced losing his job when a lot of Americans did. Since then, he's been working low paying jobs at local businesses—businesses that little by little have had to cut back. Unfortunately, this usually means that they fire their newer employees—employees like my dad.
>
> Since losing his job, his 10 year old car has quit working, leaving him bereft of transportation and making it even more difficult to find a job. My mom isn't as healthy as she used to be and can't work because she needs to provide childcare for my sister, who works hectic hours in the healthcare industry.
>
> I'm currently in graduate school—the first of my family to graduate from college. My husband and I are debating whether or not I need to drop out so that I can help provide for my parents, who currently live out of state.
>
> Suffice it to say, when I read the news this morning, I broke down in tears.

Let me divert. She heard about the letter from the Republicans saying they would do nothing until these tax cuts went in, and she broke down in tears. She said:

> My family has lived a hard life, and this just made it harder. But really, I'm crying because I can't believe that this is what my country has come to—or more importantly, this is what my father's country has come to.
>
> . . . . He was raised believing that this country was the best country in the world—that it would always look out for the best interest of its people. He served in the military, bought American cars, and worked at the same job for over 20 years. So as much as I am writing this letter because I'm upset about my own familial circumstances, I'm equally interested in writing you to remind you of the middle class—and those of us who are slipping out of it.

I have a number of other letters, but I know other colleagues are here. But no one could be more eloquent than Laura and I want to thank her and everybody else who wrote to me and I

will come back again during the time we are in session to put these letters in the RECORD.

But in summing up, it is very clear where we are. My Republican friends, to a person, have all signed on to a strategy, and that strategy is to keep us from passing very important legislation, including an unemployment insurance extension, including the Defense bill, including the START treaty—everything I put in the RECORD—until they get their tax cuts for millionaires and billionaires. That, to me, is a shame. They have a right to do it. I support their right to do it. But I also think the American people ought to know what is going on.

With that, Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate proceed to its immediate consideration, the bill be read a third time and passed, and the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, reserving the right to object, there are a couple ways we can help people who are currently looking for work. One is by extending unemployment benefits for those who have been out of work now 99 weeks. This is what the extension is about: for those who have already——

Mrs. BOXER. Is there an objection?

Mr. BARRASSO. Mr. President, reserving the right to object, as I have just heard from my colleague, would the Senator agree to include an amendment that has been proposed by Senator BROWN that would offset the cost of the bill with unspent Federal funds, the text of which is at the desk? Would the Senator include that amendment that has been proposed?

Mrs. BOXER. Absolutely, I would not agree to that modification. It goes to the very point I was making. They want to give tax breaks to millionaires and not pay for it, but they are forcing cuts in other jobs programs here. It would only make a worse recession and I object and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Thank you, Mr. President. So I do object to the motion by the distinguished Senator from California.

As I was saying, there are two ways to help those who are looking for work and one of which is to improve the economy. We can do that by giving some certainty—certainty—to people who provide jobs, who build businesses, who create opportunities, the job-creating sector of this country. We can do that by giving them certainty regarding what their tax rates will be come January 1. Right now there is an incredible amount of uncertainty.

The second way is to deal with the unemployment benefits for those who have been out of work now 99 weeks because that is what this is about. These are people who have been collecting unemployment benefits for 99 weeks. I will tell you, there are people across the Nation having a tough time due to this poor economy. I wish to see the economy improve.

The national unemployment rate in October was 9.6 percent. Today's front page of USA Today says: ''Jobless data could break '80s record''—a record from the 1980s. ''November was likely 19th month above 9 percent.''

Mrs. BOXER. Will the Senator yield for a question—please, a very quick one?

Mr. BARRASSO. Yes, Mr. President.

Mrs. BOXER. I thank the Senator so much, and he is my friend.

I just want the Senator to understand this extension is not for anything beyond 99 weeks. Believe me. It is up to 99 weeks. We do not have any extension beyond 99 weeks. I just wanted my friend to know that.

Mr. BARRASSO. Thank you, Mr. President. I appreciate the comments of the Senator from California. Senator BROWN, who occupies the desk next to mine, was on the floor talking about this just 2 nights ago and does want to work to extend unemployment benefits and to do it in a way that is paid for. That is why I came to offer the amendment to the Senator from California to say: Well, let's do it but do it by paying for it using unspent Federal funds, the text of which is at the desk.

We need to pay to extend this. But what we need to do is stimulate the economy because of what we see on the front page of USA Today about ''Jobless data could break '80s record'' and ''November was likely 19th month above 9 percent.'' We need to give certainty to business.

My colleague from California made comments about a letter signed by 42 Republican Senators. In fact, I did sign that. All the Republican Members of the Senate signed it. In the first paragraph it says:

> President Obama in his first speech after the November election said ''we owe'' it to the American people to ''focus on those issues that affect their jobs.'' He went on to say that Americans ''want jobs to come back faster.''

That is why 42 of us signed the letter. Let's focus on that. Let us get that done. Let us provide that certainty. If after that is done the majority party wants to go and address the issues of don't ask, don't tell, wants to talk about the DREAM Act, talking about incentives for illegal immigrants with college education, if they want to talk about issues of firefighters joining unions, fine. But let's get to the fundamentals of what the American people want to have dealt with. That is why I was happy to offer an amendment to my colleague from California to say pay for it, and then we can move on. Because businesses need that sort of certainty.

I heard her many comments about taxes, and I believe you should not raise taxes on anyone in the middle of economic times such as these. My colleagues on this side of the aisle all agree and there is actually bipartisan agreement that you should not raise taxes on anyone in the middle of economic times such as these.

The newest Members of the Senate—and since the election there are now three new Members who have been sworn in; two on that side of the aisle, one on my side of the aisle—are unanimous in saying one should not raise taxes on anyone during these economic times.

Senator MANCHIN from West Virginia said: ''I wouldn't raise any taxes.''

Senator COONS from Delaware said: ''I would extend them [the tax cuts] for everyone.''

So when I look at this and also see statements by JOE LIEBERMAN from Connecticut, Senator BEN NELSON from Nebraska, Senator JIM WEBB from Virginia, Senator EVAN BAYH from Indiana, Senator CONRAD from North Dakota, it is a growing chorus of Democrats saying: One should not raise taxes on anyone during these economic times.

We need to give certainty to the job-creating segment of this Nation. We need to do it in a timely manner. With it only being 4 weeks until the end of the year and people wanting to know what is going to happen with their taxes, I think the best thing this body could do is to provide that certainty.

So with that, I notice a number of colleagues who are waiting to speak and I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan.

Ms. STABENOW. Madam President, I agree with my friend from Wyoming. We need certainty in the marketplace, and we are happy to do that. We are happy to create certainty right now that middle-class taxpayers and small businesses will be able to receive tax cuts permanently into the future, that we will be able to extend those tax cuts.

We also believe it is important to give certainty to people who are out of work through no fault of their own, who yesterday began to lose unemployment benefits. Now, I personally believe, as long as the economy is as sluggish, as slow, as challenged as it is, we ought to extend benefits beyond 99 weeks. But the bill in front of us is not that. It is the bill Senator BOXER talked about, which is just the basic program. The program basically says, if you lose your job today you have the same opportunity to receive some temporary help as the person who lost their job on Monday or Tuesday because, right now, the Republicans have been blocking us from even extending the basic program for anyone who is newly unemployed, newly out of work.

So I think people who are out of work at this holiday season would like some certainty.

I was interested in a story in the paper today—I believe it was today—quoting the Michigan Retailers Association concerned about Christmas and the inability to have unemployment benefits extended would directly relate to the ability of families to have any kind of opportunity to have Christmas, and it would affect retailers and small businesses. They would like to see some certainty. I would also like to see a more robust effort and certainty as it relates to jobs.

When we look at the way to stimulate the economy, the way to create jobs, the budget folks tell us the No. 1 way right now to keep the economy going is to help those who have no choice but to spend the dollars in their pockets. That is somebody who is out of work. That is the No. 1 way to stimulate the economy, to try to keep things moving, and certainly we have heard that from our retailers. On a long list, the least effective was to give another bonus tax cut to millionaires and billionaires. That was the least effective.

So I agree we want economic certainty. What I would love to see is to take those dollars that have been ineffective for 10 years—and we know that simply because it hasn't created jobs. I have lost over 800,000 jobs in Michigan, 10 years of tax cuts for millionaires and billionaires. I have one question: Where are the jobs? If my colleagues can answer that, I am happy to support that policy.

What I would suggest as an alternative is that now, just a little under 2 years ago, we invested in the recovery to, for the first time in many, many, many years, invest in American manufacturing: battery manufacturing, new clean energy manufacturing, making things in America, making things at home. And we are beginning to see every month now manufacturing slowly coming up. The investment in the American automobile industry has paid off for us in turning things around, in keeping manufacturing jobs here. We are moving from 2 percent of the manufacturing of advanced battery technologies in America to 40 percent of the world's manufacturing in 5 years because of a strategic investment.

I am happy to talk about those kinds of investments, but what we have heard from Republican colleagues is that they are willing to risk everything. They will risk everything to get another tax cut, a bonus tax cut on top of the one everybody is going to get if we extend tax cuts for the first $250,000 in income per couple. They want a bonus tax cut, and they are willing to risk everything and stop everything if they can't get it. So it is very clear what their priorities are.

I can speak from Michigan that these are not our priorities. When I look at our manufacturers, our suppliers; when I look at small businesses; when I look at families who are struggling to keep their homes to stay in the middle class—maybe trying to get into the middle class—working families, their priority is not to give somebody making $1 million a year another $100,000 bonus on top of the regular tax cut.

So what are we talking about? We are talking about everything being risked for tax cuts for millionaires and billionaires. What are some of the things we are risking? Another $700 billion on the national debt. If we want to deal with the debt—and I don't know about my colleagues, but I heard an awful lot about the debt, concern about the deficit in this last election and through this last year. There were concerns when we were investing in manufacturing, investing in other things to create jobs, helping small businesses; the tax cuts for small businesses, lending for small businesses. We heard an awful lot from the other side of the aisle about the fact that we shouldn't be doing these things because of the deficit. The most important thing was the deficit.

I am not willing to be lectured about the deficit. I voted to balance the budget when I was in the House under President Clinton. We handed President Bush a balanced budget, the largest surplus in the history of the country. So I am not willing to accept that. I have great concern about the deficit, but that concern means I don't want to see $700 billion put on the national debt for a bonus tax cut for millionaires and billionaires.

So they are willing to risk the national deficit. They are willing to risk jobs. Again, the least stimulative way to create jobs is to put another bonus round of tax cuts in the hands of millionaires and billionaires who, if they invest it—we don't know whether it will be overseas, taking jobs overseas or where it will be—but we know it hasn't trickled down to the people I represent, certainly, in Michigan.

The sense I get from the other side of the aisle is that they think we just haven't waited long enough; we haven't waited long enough for it to trickle down. Well, we are tired of waiting. We are tired of waiting, and we are tired of an economic policy of tax cuts geared to those up here when it doesn't work and we are losing jobs. Under that policy of trickle-down economics, Michigan lost over 800,000 jobs in the last 10 years. I am tired of that. I want to see a policy that is going to work. That one hasn't worked. I don't see why in the world we are willing to extend it.

They are willing to hold up the tax cuts for middle-class families and small businesses. Again, I am not willing to be lectured about small business when we have seen 16 different small business tax cuts filibustered in the last 2 years on the other side of the aisle; eight tax cuts in the small business jobs bill that only two colleagues from the other side of the aisle courageously stepped over to support. So we understand the importance of small business.

Social Security and Medicare: We have a debt commission that has a number of proposals that are very difficult on Social Security and Medicare, and that is based on the deficit we have now not another $700 billion. I wonder if my colleagues are willing to support cuts in Social Security and Medicare, additional cuts to pay for their tax cuts for millionaires and billionaires. I don't know. Is that what they are suggesting? It certainly is something that could happen if we add another $700 billion.

Then there is the one we have been talking about that is not an economic issue but a moral issue for us as a country: Are we going to help folks who have gotten caught up in this country and who find themselves in a situation that is unprecedented through no fault of their own? They didn't cause the recklessness on Wall Street. They were not the ones who made the decision not to enforce trade laws in a fair way or tax policy that allows jobs to go overseas.

The people in my State were not the ones who made any of the decisions that caused the situation they are in. Yet Wall Street did pretty well. A lot of folks did pretty well. A lot of folks now are back doing very well.

The folks left holding the bag are working families, folks who have been in the middle class and are now mortified because they have to go ask for help at a food bank for the first time in their lives. That is not an unusual situation in my State; people who have always worked, who want to work but find themselves in a situation, because of the economy, they did not create; where they now have to ask that our country be willing to support them at this time for their families until we can turn this economy around. Who are we if we are not willing to do that as a country?

Frankly, I am embarrassed we are having a debate on the floor of the Senate about whether to extend help for somebody who has lost their job, the bread winner who no longer can bring home the bread versus a $100,000 bonus tax cut for a millionaire next year, and whatever it is for billionaires. I find that embarrassing, and I find it more than that, actually. If ever we are going to talk about our values and priorities and get them right in terms of what affects the majority of Americans, it ought to be when we are looking at these choices.

People in my State want to work. They want us to focus on jobs. They want us to partner with business. They want us to do those things; when it is necessary, stand back, get out of the way; stand up and partner, do all of the things that will allow us in a global economy to compete, to be able to make things in America and, of course, I prefer they be made in Michigan. But they want jobs. They want the economy to turn around.

Nobody is out there asking for a handout. They do want us to understand what they are going through and to be willing to have the same sense of

urgency about the average family in this country as we did for the Wall Street banks. That is ultimately what we are talking about on this floor, is what the priorities are going to be.

Our colleagues have sent a letter, with everybody signing it, saying they are not willing to do anything else. They are not willing to extend unemployment benefits. Two million people started losing their benefits yesterday—temporary help, by the way—$250 to $300 a week, which just barely kind of maybe keeps the heat on, because it is getting cold in Michigan, and a roof over their heads while they are desperately sending resumes out all over the country.

I get on planes now with people who are flying all over the country because they want to work. They are flying all over the place and coming home on the weekends, trying to find work. Our colleagues say: Well, you know what. Forget them. They need to wait because the most important thing is extending the tax cuts for the wealthiest people in our country.

I happen to—as we all do—know a lot of people in that category who say to me: I am willing to do my share. I am not asking you for this. I am willing to do my share. I have done well. I understand we have a national deficit. I understand we have a country that has a lot of challenges right now, and I am willing to step up and do my part. So this is not trying to beat up on people or demagogue against people who have worked hard, in many cases, and done well for themselves. But it is about having a set of priorities about what is important. In the few days we have left between now and the end of the year, what is the most important thing we could be doing?

I know other colleagues wish to speak. Let me just say, in my judgment, we can create certainty. It certainly doesn't have to be extending tax cuts for millionaires and billionaires. It certainly can be extending tax cuts for the middle class and small businesses, creating certainty with the R&D tax credit for those who want to innovate and invest. There are other kinds of certainty we can create for businesses in our Tax Code. We need to do that before the end of the year.

We need to remember that there are a whole lot of families right now who are trying to create some certainty in their lives about whether they can put up a Christmas tree because they are still going to have their house. That is not rhetoric; that is happening to people. We as Democrats are not willing to risk all this. The Republicans may be willing to risk everything to give a bonus tax cut to millionaires and billionaires, but we are fighting for everybody else.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. I ask unanimous consent to speak for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNRESOLVED ISSUES

Mr. DORGAN. Madam President, I wanted to take some time today to talk about some issues that have been around for a number of years and remain unresolved in a way that I believe is very detrimental to our country and our citizens.

There is a lot of discussion these days about deficits and debt at the Federal level. We have a $13 trillion Federal debt and a $1.3 trillion deficit this year. We have a fiscal policy that is in great difficulty. The discussion these days is about extending tax cuts—by the way, none of which is anticipated in the budget numbers that are already unsustainable, showing large debts for the long term. Extending all of the tax cuts that were scheduled to expire this year will add $4 trillion to the $13 trillion debt that already exists. The reason I mention the fiscal policy issue is, when we talk about debt and deficits, most people talk about the need to cut spending. We also need some additional revenue from those who are not paying their share. But we do need to cut spending.

I believe I have held 21 hearings as chairman of the Democratic Policy Committee over recent years—21 separate hearings on the subject of waste, fraud, and abuse in contracting in the wars in Iraq and Afghanistan. Much of it still goes on in terms of the work with the Pentagon on this contracting issue.

I have just received a letter from the inspector general at the Pentagon, who is looking into one of the issues of the last hearings—the issue of soldiers and contractors who were exposed to sodium dichromate, a chemical that was the subject of the movie ''Erin Brockovich,'' soldiers who were exposed and not told they were exposed to that deadly carcinogen and some of whom have already died. They were both National Guard and Regular Army soldiers.

In the context of doing a lot of these hearings, I have discovered and I believe that throughout the last decade, we have seen the greatest waste and fraud and abuse in the history of this country. It has contributed immeasurably to this overspending and deficits and debt. I wanted to talk about that work we did, myself and my colleagues, over 21 separate hearings.

At one of the hearings we held, we had testimony from a man who, in Iraq, was responsible for rooting out corruption in the Iraqi Government. His name was Judge al-Radhi. I have a photograph of Judge al-Radhi. He testified in this country. He testified that in his work as head of the anticorruption unit in Iraq, he found that $18 billion was missing, most of it American money, most of it coming from the American taxpayer.

Just missing. Now, why was he here in the country testifying at a hearing I held? Because he got booted out of Iraq, and he got no support from the U.S. Government as he was booted out of Iraq, and he ended up in this country. But he is the person who was supposed to be rooting out and investigating and prosecuting waste and fraud and abuse.

His investigations and the investigations of his staff—some of whom were assassinated, some of whose families were killed—show there was $18 billion—$18 billion—missing, and most of it was American money. Well, that is the story about Judge al-Radhi.

We had a hearing early on in this process and talked about the issue of contractors and contracting. As you know, in the early part of the war in Iraq and in Afghanistan, money was just shoved out the back door of the Pentagon, hiring contractors, very large contracts, in most cases no-bid, sole-source contracts.

A very courageous woman came to testify before our committee. Her name was Bunnatine Greenhouse. She was the highest civilian official at the Army Corps of Engineers, the highest civilian official in the Pentagon in charge of contracting. Here is what she said. She objected to the way the Pentagon was doing these contracts, massive contracts, sole-source, a massive amount of money, and she watched as the normal processes were avoided and ignored. She testified in public:

> I can unequivocally state that the abuse related to contracts awarded to Kellogg, Brown & Root represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This is an extraordinary woman, the highest civilian person in the Army Corps of Engineers. She was in charge of contracting. Two master's degrees, came from a family in Louisiana. All three kids have advanced degrees. Her brother, by the way, was one of the 50 top professional basketball players in the last century, Elvin Hayes. Bunnatine Greenhouse. Remember that name. A very courageous woman, she saw abuses, spoke about it publicly, and for that she lost her career. She gave up her career. She was told: Resign or be fired.

Let me talk about what she meant when she said the most unbelievable abuses she had seen in contracting. I want to do it starting small because then I am going to talk about billions of dollars.

But at one of our hearings, we had a man who kind of looked like a bookkeeper at a John Deere dealership in a

small town. He was kind of a good old guy with glasses, and he had been in charge of purchasing for Kellogg, Brown & Root or Halliburton over in Kuwait, purchasing the things our troops needed in Iraq. He came and testified, and he said: You know, as I was purchasing things, I was told by my employer, Halliburton: Don't worry what the cost is, the taxpayer pays for this. This is cost-plus.

So he told us a number of examples, big examples, but he brought a small one that I thought reflected the entire attitude.

This is a towel. I ask unanimous consent to show the towel on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. This is a towel. Halliburton was to purchase towels for the troops, hand towels. You know, they were purchasing hand towels to be awarded to the troops. So he ordered some white hand towels for the troops, and his boss said: Well, you can't order those white hand towels. You have to order the hand towels that have the logo of our company, ''Kellogg, Brown & Root,'' on the hand towel.

Mr. Bunting said: Yes, but that would quadruple the cost.

His boss said: That doesn't matter. This is a cost-plus contract. Order the towels. Put our company name on them.

I mean, this is such a small but important symbol of the behavior that went on for most of the decade that fleeced the American taxpayers.

We had a hearing in which we were told by a food service supervisor of Kellogg, Brown & Root that Kellogg, Brown & Root charged the Federal Government for serving 42,000 meals a day to American soldiers but they were only serving 14,000 meals. They were charging the taxpayer for 42,000 meals—according to this supervisor who was on the ground and then left the company in disgust—they were charging the taxpayers, the American Government, for 42,000 meals a day for soldiers and serving only 14,000 meals a day.

We had testimony about brand new $85,000 trucks being left on the side of the road to be torched because they had a flat tire or a plugged fuel pump. Why? Cost-plus. A new truck. Taxpayers will buy another one.

There was a company called Custer Battles to which the previous administration and the Pentagon awarded over $100 million in security contracts. We had a man named Frank Willis who came to testify at a hearing I held. Frank Willis was a classic example of a guy who went to Iraq to see if he could do some good and wanted to be helpful to our government's effort in Iraq. He showed us a photograph, which I thought I had—I think we probably do not—a photograph of $2 million which was in the basement of the building in which he worked. They had cash, only cash, and their message to contractors in Iraq was, you bring a bag, we pay cash. And he showed me a photograph of $2 million, hundred-dollar bills wrapped in Saran Wrap that he said they occasionally threw around the office as a football—$2 million sitting on the table, American taxpayers' money. By the way, much of that was loaded on pallets and flown over to Iraq in C–130s. There were even stories about people dispensing hundred-dollar bills out of the back of pickup trucks. So it was.

Custer Battles went on to be charged with defrauding the Pentagon, of massive over billing. We had a witness named Robert Isakson who said that Custer Battles had handed in $10 million in fake invoices for about $3 million of work. In one example, the company was charged with taking forklifts that they found—they were to provide security for the Baghdad Airport. They took forklifts they found in a building at the Baghdad Airport—they received the forklifts for free because they took over the security. They got the forklifts, took them someplace, painted them blue, and then sold them back to the U.S. Government.

The case against Custer Battles was thrown out of court on procedural grounds, and a new case is now pending, as I understand it, before the Fourth Circuit.

We had testimony before this committee about something called The Whale. It is a prison in Khan Bani Saad. I want to show what we have in Iraq. Our country—that is, the coalition provisional government, which was us; we set it up in Iraq and we ran it—said: We are going to build a prison in Iraq, Kahn Bani Saad prison.

The Iraqis said: We don't want a prison there.

We said: We are going to build a prison anyway.

So we spent $40 million of American money on this. Two contractors ended up getting $50 million total, and here is what it looks like right now in Iraq. It has never been used, never will be used. The Iraqis didn't want it. But our country dumped nearly $50 million into this project.

You know, the question is, Who is accountable for that? Who is going to answer to it? And I have watched now, holding 21 hearings over a decade and finding that very few are held accountable for this kind of thing. This prison was built of a scale to house 3,600 inmates. It will never be finished. As you see, you have just a shell of some cinder blocks, and the American taxpayers are out about $50 million.

We heard from witnesses about the Parsons Corporation, which got a $243 million contract to build or repair 150 health clinics in Iraq. Two years later, the money was all gone, and there weren't 150 health clinics, there were 20.

I had a doctor, a very brave, courageous physician, come to this country to testify to what he saw of the ones that were completed. Unbelievable. So what happened to the money? The American taxpayers lost the money. Did this improve the health of the Iraqis?

The physician who came to testify said he went to the Minister of Health in Iraq and said to the Minister of Health: Where are those clinics, because I am told the Americans have spent $243 million to build health clinics. Where are the clinics?

The Iraqi Health Minister said: Well, most of them are imaginary clinics.

Yes, but the money was not imaginary. The American taxpayers' money is gone.

We had several hearings on the issue of Kellogg, Brown & Root. And I mention them because they got the biggest contract, sole-source contract. That is why they are the ones that are mentioned the most. They were providing water treatment to the military facilities in Iraq. So our solders are in military camps in Iraq, and KBR gets the water treatment contract. It turns out that the nonpotable water they were providing to soldiers in the camps that we had a hearing on was more contaminated than raw water from the Euphrates River.

We actually had, from a whistleblower, the internal memorandum from Kellogg, Brown & Root, by the guy who was in charge of the water contract in Iraq, and in his memorandum, he said this was a near miss. It could have caused mass sickness or death. But publicly, they said it didn't happen. The Defense Department said it did not happen. But it did happen, and I asked the inspector general to investigate it. He did. He did a report and said that both the Defense Department and Kellogg, Brown & Root were wrong. It did happen, in fact. That kind of contaminated water was being served to the troops because the contract was a contract that was not provided for appropriately by the company. The company was taking the money and not doing what it was supposed to do with the water.

By the way, in the middle of these hearings, while the Department of Defense, Department of the Army, as well as Kellogg, Brown & Root were denying it all, I got an e-mail here in the Senate from an Army doctor, a captain, and she wrote to me and said: I am a physician in the camp. I had my lieutenant follow the water line to find out what was happening because I had patients here who showed that they were suffering diseases and suffering problems as a result of contaminated water.

So that came from the physician who was in Iraq on the ground.

So despite all of the denials, the inspector general finally issued a report saying: No, no, the Defense Department was wrong, as was Kellogg, Brown & Root. A contract to provide water to these soldiers across Iraq at the Army camps was not being appropriately handled, and very contaminated water was going to those camps.

The list is almost endless. I know there is a photograph I have shown on

the floor previously because it is another contract to provide electrical capabilities to the Army camps. When you put up an Army camp, you have the need to provide electricity. And I held two hearings on this subject.

This is a photograph of SGT Ryan Maseth—quite a remarkable young man, a Green Beret from Pennsylvania. He is shown there with his mother, who is a very courageous woman as well. He was killed in Iraq, but Sergeant Maseth wasn't killed by a bullet from an enemy gun; Sergeant Maseth was killed taking a shower. He was electrocuted in a shower. And it wasn't just Sergeant Maseth; others lost their lives as well—electrocuted in a shower, power-washing a Jeep.

The fact is, what we discovered when we held the hearings was that the work that was done to provide electricity and to wire these camps was done in some cases by people who didn't have the foggiest idea what they were doing. Third-country nationals who couldn't speak English and didn't know the first thing about electricity were working on these issues.

The Army originally told Mrs. Maseth that her son died, they thought, because he took an electrical appliance into the shower. No, he didn't. He was killed because shoddy electrical work was done that ended up killing this soldier.

Now, Kellogg, Brown & Root denied that, as did the Defense Department. The inspector general did the report and said: Oh, yeah. Yeah, that sure did happen.

In fact, let me show you what the inspector general has said.

This is from Jim Childs, master electrician hired by the Army Corps of Engineers, to inspect this electrical work for which the American taxpayer paid a bundle. Jim Childs, master electrician, went in after I held the hearings. He said:

> [T]he electrical work performed by KBR in Iraq was some of the most hazardous, worst quality work I have ever inspected.

Let me show what Kellogg, Brown & Root said:

> The assertion that KBR has a track record of shoddy electrical work is simply unfounded.

The inspector general did the inspection. We had to redo much of the work in Iraq and Afghanistan, inspect it all and redo much of it. In the meantime, people died. We have demonstrated that there is evidence of shoddy work in a range of areas. Yet the contractors continue to be given additional contracts. For the shoddy electrical work for which some soldiers gave their lives, this contractor was not only given the money from the contract but bonus awards for excellent work. I have tried very hard to get the Pentagon to take back those bonuses, unsuccessfully. But the reason I am going through this is to point out that we have for a decade now been shoveling money out the door at a time when we are deep in debt, spending a great deal of money on the defense of this country, on the Defense Department, on the war effort, and so on. A substantial portion of that which goes out the back of the Pentagon in the form of contracts has represented the most egregious waste in the history of the country.

One of my great regrets is that we did not—and we should have; I tried very hard—ever get constituted a Truman-type committee which existed in the 1940s to investigate this sort of spending and to try to shut down spending that is not only injuring our troops and disserving them but injuring taxpayers.

I started by talking about the issue of sodium dichromate. We think about 1,000 soldiers were at risk at a place in Iraq that is called Qarmat Ali. Some have died. Those soldiers who were at Qarmat Ali told of seeing something like sand blowing all over the place. It was red, however. That was the sodium diechromate, a deadly carcinogen. It is the subject over which a movie was made called ''Erin Brockovich.''

We have tried for a long time to get the Pentagon to be as active and involved as they should be with respect to the health and safety of those 1,000 soldiers who were potentially exposed. Like most of these issues, they have been very slow to respond.

My point is twofold. One is about supporting America's fighting men and women, doing what is right for them. There have been a number of people in the Pentagon—one of whom testified before the Armed Services Committee in the Senate and who I strongly believe knew he was not telling the truth. He was a general, as a matter of fact. There have been a number who have denied virtually all of these circumstances. Yet inspectors general have investigated and said they are wrong.

Obviously, the contractor denies these things. The contractors have gotten wealthy doing this. We have had whistleblowers come in. A woman came in and told us she was working at a recreational facility in the war theater, and that is at the base. There is a facility where you can play pool and ping-pong and do various things. It was a facility with many different rooms. She worked for Kellogg, Brown & Root and she was to keep track of how many people came in because they got paid based on how many people came in.

She said: What they told me to do was to keep track of how many people came in to each room, and that is what we billed the government for. If somebody came in and went through three rooms, the government was billed for three visits. I went to the people in charge and said: This is fraud. We can't do this. We are defrauding the government. They immediately put me in detention in a room under guard and sent me out of the country the next day.

It is the story of virtually all the hearings we have held.

The point is twofold. One is to protect America's soldiers and do right by the men and women who have gone to war because this country asked them to. Secondly, on behalf of the American taxpayer, to decide if we are choking on debt and deficit, to continue doing what we know is wrong, shoveling these contracts out the door without adequate accountability is something we have to pay attention to.

Secretary Gates has tried more than others. When I began these hearings, which stretched into 21 hearings, the then-Secretary of Defense had virtually no time for these issues. I have had an opportunity to talk to Secretary Gates. I know he has tried very hard to make changes. Moving the Pentagon on these issues is very difficult. There is a relationship always between the Pentagon and the largest suppliers and largest companies and contractors with whom they do business. My experience has been we can have the goods and have them red-handed. We can have internal memorandum from the company itself that says they screwed up, could have caused mass sickness and death, but publicly they will say none of this happened. It is about deception, about lying, about cheating taxpayers, and about not standing up the way we should stand up for America's fighting men and women. This Congress needs to do much more. Congress needs much stronger oversight, much more attentive oversight on this kind of spending.

I went back and read the Truman committee work. Harry Truman was a Senator. At a time when a President of his own party was in the White House, he insisted that they establish the Truman Commission, of which he became chairman. He insisted on getting a committee to investigate waste in the Pentagon. They eventually created the committee, and they made him chairman. They held 60 hearings a year for 7 years. The committee was started with $16,000. In today's dollars, it saved $16 billion. Think of that. There is way too little oversight going on on these issues. I have just scratched the surface in the 21 hearings I chaired. Many of my colleagues were in those hearings. This country deserves better.

One of the significant responsibilities of Congress is not just to appropriate money and evaluate what money needs to be appropriated for but to do oversight. When we send money out the door, this Congress needs to do better oversight. What I have discovered and decided is that oversight is sadly lacking at the Pentagon. There are too many men and women, including Bunnatine Greenhouse, who gave up their careers and lost their jobs because they had the courage to speak out and say: This is wrong, this is fraud, this is cheating, this undermines our soldiers. There are too many men and women who gave up their careers because they had the courage to do that. We have whistleblower protections, but in many cases it doesn't work the way it should. There is much for us to do.

I will not be chairing additional hearings because my 30 years in the Congress will be done at the end of this month. It has been a great privilege to be here. But as one can tell, I believe passionately in this issue, about our Federal deficits, about spending, about accountability, but most especially about doing things that support the soldiers we ask to go to war.

This has been an abysmal record. In this decade, the amount of money spent on contractors—in many cases with no-bid, sole-source contracts that were negotiated under the most abusive conditions and in violation, in many cases, of rules, according to the highest civilian official in charge of contracting—has been a disgrace. This country needs to do much better.

The work I and a number of my colleagues did holding these hearings has in many ways held up a spotlight and tried to shine it on the same spot. We have cajoled, embarrassed, and pushed, and I think we have made some progress. But so much more needs to be done and can be done. My hope is this work will continue.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING TAX CUTS

Ms. COLLINS. Madam President, unless Congress acts, this new year will begin with the imposition of an onerous new tax burden for American families. They will face an automatic tax increase of nearly $2.7 trillion—one of the largest tax increases in history—when the 2001 and 2003 tax laws expire.

This tax increase will hit all American earners regardless of their income level and regardless of whether they are married or single, retired or working or salaried or hourly employees.

It is my judgment that the 2001 and 2003 tax relief laws should be extended for all Americans. With the economy still weak, and with unemployment persisting at nearly 10 percent, now is not the time to be raising taxes on anyone.

Some argue that Americans in the higher tax brackets should not be protected from this tax increase. But that argument for higher taxes come January 1 ignores the fact that a tax increase on top earners is a tax increase on small businesses and, thus, a tax on jobs at a time when we should be doing everything possible to stimulate the creation of more jobs.

As you are aware, most small businesses are passthrough entities. They are sole proprietorships, partnerships or S corporations that must report their earnings on their owners' individual tax returns. According to the Joint Committee on Taxation, there are some 750,000 passthrough small businesses in the top two tax brackets. Higher taxes hurt these small companies by taking away capital they need to grow and to add jobs.

In Maine, there are numerous small businesses that would be hurt by this tax increase. One is D&G Machine Products, a precision design machining and fabrication operation located in Westbrook, ME. Founded in 1967, this company now has more than 130 highly skilled and dedicated employees. When I visited this company in August, the owner, Duane Gushee, expressed to me his concerns about the impact higher taxes would have on his growing business. He explained that D&G competes with companies all over the world for markets and customers. Without constant innovation and investment in cutting-edge technology, D&G would lose its customers and the jobs of its employees would be in jeopardy. The tax increase that would go into effect unless we act would hit D&G on January 1 and would take money out of its bottom line—money that is needed to upgrade its equipment and stay ahead of foreign competition.

Another business that would be hit hard is Pottle's Transportation, a trucking company headquartered in Hermon, ME. This company was founded in 1972 and now has more than 200 employees with 150 trucks.

Barry Pottle, who runs this business, tells me that Pottle's needs to purchase 25 to 30 trucks every year just to maintain its fleet. New trucks used to cost the company about $100,000. But in the past few years, the cost has escalated by another $25,000. The tax increase scheduled for January 1 would make it difficult, if not impossible, for Barry to make these investments.

Other Maine businesses have come forward to highlight the impact a tax increase would have on their ability to grow their businesses and to add much needed jobs.

One of these is Allagash Brewing Company, a craft brewery located in Portland, ME. Founded in 1994, Allagash has grown to 28 employees and has established a reputation for uncompromising quality as one of the finest producers of Belgian-style beers in North America.

Similar to most small businesses, Allagash relies on its retained earnings to finance investment and growth. As Rob Tod, the co-owner of Allagash puts it:

> There's plenty of demand for our product, but we can't fill demand without equipment, and we can't buy equipment without money.

When small businesses cannot invest and grow, they cannot add jobs, and that is what our focus needs to be on: the creation of policies that will help the private sector to create jobs.

Rob estimates that every 1 percent increase in Allagash's tax rate means one fewer worker for 5 full years. Stated another way, the tax increase slated to occur on January 1 would wipe out jobs for five workers for 5 years just at this one brewery. If that is the impact at one small business in Portland, ME, imagine what the impact would be on jobs lost nationwide.

Other small businesses in my home State have expressed their frustration at the uncertainty Washington is creating by leaving these tax hikes hanging over their heads. As one small business starkly put it to me:

> The increases in personal taxes reduce the amount of money I have available for investments of all kinds. I am not investing in my business. I am not hiring workers. I am not considering starting anything new. I am waiting. There is no way to know what Washington is about to do to me, but I expect it will be nasty and brutally unfair. In response, I am holding my ground and preparing for the worst.

That is an exact quote from an entrepreneur in my State. As if the testimony of these small businesses were not enough, there is a second reason to support extending the 2001 and 2003 tax relief for all Americans: A tax increase at this time on top earners would reduce consumer spending dramatically, cutting demand, and costing jobs at a time when our fragile economy can least afford it.

We have only to look at Peter Orszag's column in the New York Times—he was President Obama's former Budget Director—to underscore this point. He wrote that failing to extend the existing tax relief would ''make an already stagnating job market worse.'' He then went on to say:

> Higher taxes now would crimp consumer spending, further depressing the already inadequate demand for what firms are capable of producing at full tilt.

Mr. Orszag is not alone in this view. Economist Mark Zandi has estimated that raising taxes on top earners would cost us 770,000 jobs and four-tenths of 1 percent of our GDP over the next 2 years. He cautions that earners in the top brackets are responsible for ''one fourth of all [U.S.] Personal outlays,'' and that a pullback in spending by these taxpayers could ''derail the recovery.''

In light of this risk, Mr. Zandi has called the President's plan to raise taxes an ''unnecessary gamble.'' Mr. Zandi suggests that a middle ground where no one's taxes are increased until the recovery is firmly in place is where we should go.

That is essentially what I recommended to this body in September. I urged the Senate to take up legislation to extend the 2001 and 2003 tax relief for 2 more years. That is a middle ground. Surely, we ought to be able to come together and embrace that compromise. That will get us through the recession. It will send a strong signal to the business community to invest and create jobs. It would remove the uncertainty.

Here is my suggestion for what we should do during that 2-year period, since I see my colleague, Senator WYDEN, on the floor. During that time we could undertake comprehensive tax

reform to make our system fairer, simpler, and more progrowth. I know that has been a passion of Senator WYDEN's for some time. That is what we could use those 2 years to work on.

So I am once again going to ask my colleagues on both sides of the aisle—there are some on this side who want to make all the relief from the 2001, 2003 laws permanent; there are some on the other side of the aisle who want to increase taxes for the top two rates and just extend the tax relief for those making up to $250,000—let's instead extend the tax relief for everyone right now for 2 more years, remove the uncertainty, encourage businesses to create new jobs, stop penalizing small businesses, do not put a damper on consumer spending at the worst possible time, and then let's use those 2 years productively to rewrite the Tax Code, to make it simpler, fairer, and more progrowth.

I think that is a reasonable plan. Let's abandon any approach of raising taxes at this critical time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TAX REFORM

Mr. WYDEN. Madam President, before she leaves the floor, let me say to the Senator from Maine that I very much appreciate her thoughtful views. She continually talks about the desire to get folks to come together. I think there are a variety of ways to do it. That is essentially what I was going to outline this afternoon. I just want to assure my good friend from Maine that I am very much looking forward to working with her on this issue and thank her again for her kind remarks.

Madam President and colleagues, I think we have a choice.

We can continue to have this debate at the margins about how to extend a thoroughly discredited, insanely complicated, job-killing system that we have today or we can find a way, as Democrats and President Reagan did back in the 1980s, to come together and put in place a reform system that will create, in my view, millions of good-paying, new jobs, the way Democrats and Republicans in the 1980s came together and created more than 16 million new jobs.

To pick up on this discussion, I think there is a message for Democrats and Republicans together on this issue.

This question of extending the 2001 and 2003 tax legislation has almost become a tax version of ''The Emperor Has No Clothes.'' We all know this story and have read it to our kids. It's about two swindlers spinning a tall tail about magical, invisible cloth. The emperor and his ministers and all of his subjects get so caught up in the story of the magical and invisible cloth that it takes a child to point out what everybody should have seen was obvious: The emperor has no clothes.

The fact is, when we look at extending the 2001–2003 tax laws, what we will see at the end of the day is from the standpoint of creating good-paying jobs and the opportunity to grow the economy, the emperor really doesn't have any clothes. The numbers don't add up.

When tax policy was partisan between 2001 and 2008, there was only 2.3 percent payroll expansion, 3 million new jobs, and real median income fell by 5 percent. Yet that is what we are hearing on the floor of the Senate ought to be extended.

I say to my good friend from Pennsylvania, his State, as has mine, has been pounded by this economy. How can we explain to our constituents that we are extending a policy that based on the facts, not on political rhetoric, produced such anemic payroll expansion, such a modest number of new jobs, and a loss of real median income. I don't think we can explain it to folks in Pennsylvania and Oregon.

What I do think we can explain that gets us away from this ''Emperor Has No Clothes'' situation is what happened in the 1980s when a big group of Democrats and Republicans came together and changed the discussion about taxes. Instead of Democrats and Republicans beating up on each other, it became the people against the special interests and, in effect, leading Democrats such as Dick Gephardt and Dan Rostenkowski and others joined with the President to point out the inequities. And we had Democrats then talking about the desire to make sure companies—companies that hire people at good wages—would be in a position to benefit because they would be paying rates that would be competitive in tough global markets.

There are opportunities—because I have been talking to folks in labor and folks in business—to do this. Why don't we take away the tax breaks for shipping jobs overseas and use that money to lower rates for folks who manufacture in the United States, who create good-paying jobs in hard-hit parts of Pennsylvania and Oregon. I would like to see our companies have a new incentive for green manufacturing which many of the companies in Oregon want to do. To do it, why not take away some of those tax breaks you get from what is called tax deferral and foreign tax credits and use that money to create more employment at home? We are not going to be able to do that if we just reup for this discredited, broken, insanely complicated tax system.

Now, I have said to colleagues—and Senator CASEY and a number of us have talked about it—that if it takes some very short-term extension of current law in order to make sure we don't hurt middle-class people and we don't hamper economic growth, I would be willing to look at it. I would be willing to look at that if we use the opportunity to then aggressively pursue bipartisan tax reform; tax reform, for example, that would do something about a Tax Code that nobody likes.

This isn't like the health care issue. I think the Presiding Officer and my friend from Pennsylvania understand that part of what happened in the health care issue is a lot of folks said: I want to fix health care, I want to contain costs, but I sort of like the health care I have. There isn't anybody on the planet I can find who makes an argument that they like the current Tax Code.

We spend 7.6 billion hours a year to comply with tax law. It costs us almost $200 billion to comply with our tax laws annually. That is the equivalent of 3.8 million people working full-time just to comply with the Tax Code. At one point in the tax reform discussions, after I got on the Finance Committee, I brought just a portion of the books that contain the provisions of the Tax Code. And there are thousands of pages. In fact, we add thousands of pages every few years. I am 6 feet 4 inches and just a portion of the books are taller than me. The complexity of the code increases exponentially, as Nina Olson, who is the Taxpayer Advocate at the Internal Revenue Service, has pointed out.

So I offer this up—and I know my colleague is waiting to speak—only to say if we are asking the country to choose—and that is why I use this ''Emperor Has No Clothes'' analogy—between something we know hasn't worked—I would note, for example, that the Wall Street Journal, not exactly hostile to conservatives, pointed out that George W. Bush had ''the worst track record on record for job creation.''

How do you make the case to the American people, whether you are in Pennsylvania or Oregon or anywhere else, that you want to anchor them to the same discredited tax system that has failed to create jobs for the entire period in which it was in effect?

So I hope as we get into this debate we look at the fact that perhaps we are having the wrong conversation. Perhaps we are having the wrong conversation in just debating extending the 2001–2003 tax provisions—maybe we will extend them for some people and we will not extend them for other people. What we ought to be saying is, look at history. Look at what happened in the 1980s when Democrats and Republicans came together. In fact, back then there was almost a mirror image of what we have now.

Back in the 1980s we had a Republican President and a Republican Senate, and Democrats in the House. So we have today almost a mirror image of that, and we know when they got together in the 1980s that it created millions of new jobs, millions of good-paying jobs. I think we can do that again.

I want to spend 2011 working with my colleagues—the Senator from Pennsylvania, the Senator from New Hampshire, and Senator COLLINS, who gave a very eloquent statement on the advantages of real tax reform—I want to spend the next year working with colleagues on something that shows vastly more promise for creating more

good-paying jobs and economic opportunity than these choices we are talking about on the floor of the Senate that, in my view, literally yoke us to a system that we know is not going to produce jobs.

It would be one thing if the debate was in question; that maybe the numbers from the 1980s were a little ambiguous, and when tax policy was partisan between 2001 and 2008 the numbers were more encouraging. That is not the picture. The picture is crystal clear. When we went at tax reform in a bipartisan way in the 1980s with a Democratic effort in the Congress and a Republican President, big win: 16 million new jobs. When we got partisan with taxes in 2001 and 2008, we just went downhill to truly anemic economic growth. The country deserves better.

I would finally say I think this is exactly the kind of bipartisan work that the country was calling for at this last election. Why not give it to them rather than serve up yet more that is seen as polarizing and divisive when our country is undergoing such economic anguish.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, thank you very much. First of all, I wish to commend the remarks our colleague from Oregon made. He has great insight into our Tax Code. I think he has reminded us yet again we have a lot of work to do, and we are grateful for his comments today and his charge to us—that we have a good deal of work in 2011 and even as we wrap up 2010.

EXTENDING UNEMPLOYMENT INSURANCE

Mr. CASEY. Madam President, I rise today to talk about unemployment insurance, and I will be brief. At the end of my remarks I will be offering a unanimous consent request.

First of all, I wish to cite a study just released today by the Council of Economic Advisers.

I commend to my colleagues this report entitled ''The Economic Impact of Recent Temporary Unemployment Insurance Extensions'' dated December 2, a report by the Executive Office of the President and the Council of Economic Advisers.

I ask unanimous consent that the Executive Summary of the report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CASEY. This report released today had a number of findings: First of all, that the emergency expansion of unemployment insurance programs in 2007 has benefited 40 million people in the United States of America who have either received or lived with a recipient of these programs. This figure includes 10.5 million children.

In line with other studies that have been released, this report by the Council of Economic Advisers states that there are 800,000 more jobs and GDP is 0.8 percent higher because of the expansion of unemployment insurance programs. Without reauthorization through 2011, the one we are debating today in the Senate, at this time next year, in December of 2011, there will be 600,000 less jobs and GDP will be 0.6 percent lower. So there are real consequences to the denial of this reauthorization going forward.

To give my colleagues a sense of what that means in a State such as Pennsylvania, without reauthorization of these programs, 353,989 people will lose unemployment insurance coverage by November of 2011. The Pennsylvania economy will be severely impacted without reauthorization. According to the Council of Economic Advisers, there will be 31,228 less jobs in the Commonwealth of Pennsylvania if we do not reauthorize unemployment insurance.

Just to put that in perspective, in the first three quarters of this year, in the midst of a recovery—slow recovery but a recovery nonetheless—our State has gone from losing jobs in 2009 to gaining jobs. In the first three quarters of the year, we have gained roughly 48,000 jobs. Without unemployment insurance, we stand to lose, as I said, more than 31,000 of those jobs.

We know the unemployment rate of 9.6 percent nationally means nearly 15 million people are out of work. If you are opposed to this reauthorization, you have to come up with another answer. You can't just say to 15 million people: Well, we couldn't get it done, or things interfered in Washington.

In our State, fortunately, we are lower than 9.6. We are 8.8, percent. But 8.8 percent in Pennsylvania means that 560,000 people are out of work. It ballooned up to over 590,000 this summer, but fortunately that has been coming down over the last couple of months and, of course, we want to keep it moving in that direction.

Let me just conclude with this thought: For the past six decades, Congress has provided federally funded unemployment insurance benefits. During every recession, the Congress has done that, and thank goodness they did. Finally, without this reauthorization in our State of Pennsylvania, 83,000 Pennsylvanians will exhaust their benefits this month. Of course, across the country, it is some 2 million.

EXHIBIT 1

THE ECONOMIC IMPACT OF RECENT TEMPORARY UNEMPLOYMENT INSURANCE EXTENSIONS

EXECUTIVE SUMMARY

Unemployment insurance (UI) provides a safety net for workers who have lost a job through no fault of their own, as long as they continue to search for new employment. During normal economic conditions, firms pay into state insurance systems that replace roughly half of the average individual's lost earnings, up to 26 weeks. However, the federal government historically funds additional weeks of benefits in response to an economic downturn. The benefits allow recipients to continue to support their families while searching for their next job.

In response to the recession that began in December 2007, Congress expanded UI benefits by creating Emergency Unemployment Compensation (EUC) and 100 percent federal funding of Extended Benefits (EB). These programs provide UI benefits after a worker exhausts state benefits, helping when it takes longer to find a job, such as in this severe downturn. These extensions began to expire on November 30, 2010. In this report, the Council of Economic Advisers (CEA) examines the effects of the extensions thus far and the potential impact on the economy if Congress fails to act soon to continue these emergency measures.

As a result of these emergency expansions to UI:

EUC and EB have helped 14 million unemployed workers as of October 2010. As of that date, there were almost 5 million unemployed workers benefiting from these programs each week.

In total, these programs have benefited about 40 million people who have received, or lived with a recipient of, EUC or EB. This total includes 10.5 million children.

If these measures are not extended, the maximum eligibility for benefits in most states will revert to the pre-recessionary level of 26 weeks. The Department of Labor estimates that, relative to a month-long extension, 2 million unemployed workers will lose coverage in December 2010. And, relative to a year-long extension, nearly 7 million unemployed workers in total will lose coverage by November 2011.

Further, EUC and EB make up a substantial portion of household income. Without EUC and EB, the typical household receiving these benefits will see their income fall by a third. In the 42 percent of households where the EUC or EB recipient is the sole wage-earner, 90 percent of income will be lost.

This important income replacement allows individuals that have suffered from job loss to avoid a dramatic drop in their spending levels. Research studies have documented that UI is an extremely effective form of support for the economy relative to other government programs, both in terms of bang-for-the-buck and timeliness. EUC and EB recipients spend their benefit checks, rather than saving them, and a drop in this income will translate into a sizeable drop in aggregate spending.

Specifically, CEA estimates that:

Employment was about 800,000 higher, and the level of GDP 0.8 percent higher, in September 2010 than would have been the case without EUC and EB.

Without an extension, employment would be about 600,000 lower, and GDP 0.6 percent lower, in December 2011 than if a year-long extension were passed.

Previously, Congress continued federal expansions of UI until the economy was much further along the road to recovery. With 10 consecutive months of private sector job growth and half a percentage point drop in the unemployment rate since its peak, the economy is beginning to recover. However, the unemployment rate remains at 9.6 percent and there are still 5 job seekers for every job opening. For the last half-century, Congress has consistently extended UI benefits when economic circumstances substantially increased the difficulty of finding a job. Given the current labor market conditions, failing to continue UI extensions now would be unprecedented.

I. INTRODUCTION

As a form of insurance against job loss, employers pay taxes into state government unemployment systems at rates based, in part, on past usage of the system. State governments then provide weekly payments of $300, on average, to workers who have lost a

job through no fault of their own, replacing roughly half of an individual's lost earnings. Typically, unemployed workers can receive up to 26 weeks of benefits, as long as they continue to search for work. In an economy with normal labor demand, one would expect most unemployed workers to find a job within this time frame. However, in December 2007 the United States began to slide into a deep recession. By October 2009, the unemployment rate was 10.1 percent, and there were more than 6 jobs seekers for every job opening, compared to just 1.5 prior to the recession.

Recognizing that unemployed workers would have a significantly harder time finding jobs, Congress created Emergency Unemployment Compensation 2008 (EUC) in June of that year. This swift action put unemployment benefits in place much earlier than has been done in previous recessions—almost one year before GDP stopped declining. These early efforts by Congress resulted in UI playing a greater role in stabilizing the economy, as suggested in a recent Department of Labor report.

As the labor market worsened, Congress further extended and expanded the program, particularly for unemployed workers in the hardest-hit states. As part of the American Recovery and Reinvestment Act, Congress provided for 100 percent federal funding of Extended Benefits (EB), a program usually funded jointly by the state and federal governments. Individuals are eligible for EB once they exhaust their EUC benefits if their state meets certain unemployment-based triggers. All told, an unemployed worker could receive up to 99 weeks of coverage in those states with the highest rates of unemployment. (See the Appendix for more detail on these programs.)

Importantly, the current tiered structure of EUC and EB allows for a natural phasing down of coverage as economic conditions improve. Many of the eligible weeks of benefits are determined at the state level by thresholds based on states' unemployment rates; the maximum length of coverage provided by these federal programs is shorter in states with better economies. Beyond this natural phase down, however, the legislation authorizing these programs began to expire on November 30, 2010 and the millions of Americans receiving coverage through these programs have already begun losing benefits.

UNANIMOUS-CONSENT REQUEST—S. 3981

Mr. CASEY. So with that, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 3981, a bill to provide for a temporary extension of unemployment insurance provisions; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Madam President, reserving the right to object, because the Republicans want to extend unemployment benefits without increasing the deficits, would the Senator agree to include an amendment proposed by Senator BROWN that would offset the cost of the bill with unspent Federal funds, the text of which is at the desk?

Mr. CASEY. I would not. I object to that for the simple reason that the construction of that amendment involves dollars already allocated to Federal programs across the board. Although the money has not been spent yet, it has been allocated. If there is a concern, as there seems to be—and I would categorize it as an alleged concern—about the deficit, there doesn't seem to be the same concern about running up the deficit not by billions but by hundreds of billions to extend tax cuts to Americans above the $250,000 income tax bracket. So if there is that concern about the deficits, I wish that logic and concern was applied to the tax cut debate.

Mr. ENSIGN. Further reserving the right to object, first of all, I would love to offset the tax cuts with spending reductions in areas across the board because I think the deficit is a problem. Because the Senator from Pennsylvania just wants to increase the deficit with unemployment benefits, without offsetting it, without spending cuts, I am forced to object.

The PRESIDING OFFICER. Objection is heard.

Mr. CASEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

(The remarks of Mr. ENSIGN pertaining to the introduction of S. 4004 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa.

REVISIONIST FISCAL HISTORY

Mr. GRASSLEY. Madam President, since yesterday, we have witnessed in this Chamber the resumption of a set of tired and worn out taking points that the Democratic side drags out whenever they are forced to finally get around to discussing tax policy.

Well, once again beating the same dead horse, the other side has attempted to go back in time again and talk about fiscal history. Earlier this week, there has been a lot of revision or perhaps editing of recent budget history. I expect more of it in the future days.

The revisionist history basically boils down to two conclusions. First, that all of the ''good'' fiscal history of the 1990s was derived from a partisan tax increase bill in 1993, and, two, that all the bad fiscal history of this decade to date is attributable to bipartisan tax relief plans.

Not surprisingly, nearly all of the revisionists who spoke generally oppose tax relief and support spending increases. The same crew generally supports spending increases and opposes spending cuts.

For this debate, it is important to be aware of some key facts. The stimulus bill passed by the Senate, with interest included, increased the deficit by over $1 trillion. The stimulus bill was a heavy stew of spending increases and refundable tax credits seasoned with small pieces of tax relief.

The bill passed by the Senate had new temporary spending that, if made permanent, will burden future budget deficits by over $2.5 trillion. Now, that is not this Senate Republican speaking; it is the official congressional scorekeeper, the Congressional Budget Office. In fact, the deficit effects of the stimulus bill passed within a short time after the Democrats assumed full control of the Federal Government roughly exceeded the deficit impact of 8 years of bipartisan tax relief. You can see that very clearly right here.

The tax relief over here, and the stimulus bill here—all of this occurred in an environment where the automatic economic stabilizers, thankfully, kicked in to help the most unfortunate in America with unemployment insurance, increased amounts of food stamps, and other benefits.

That antirecessionary spending, together with lower tax receipts and the bailout activities, set a fiscal table of a deficit of $1.4 trillion. That was the highest deficit as a percentage of the economy in post-World War II history. You can see that right here.

From the perspective of those on the Republican side, this debate seems to be a strategy to divert, through a twisted blame game, from the facts before us. How is the history a history of revision? I would like to take each conclusion one by one.

The first conclusion is that all of the good fiscal history was derived from the 1993 tax increases. To test that assertion, all you have to do is take a look at data from the Clinton administration. The much ballyhooed 1993 partisan tax increase accounts for 13 percent of the deficit reduction in the 1990s, 13 percent. That 13-percent figure was calculated by the Clinton administration Office of Management and Budget.

The biggest source of deficit reduction, 35 percent, came from a reduction in defense spending. Of course, that fiscal benefit originated from President Reagan's stare-down of the Communist regime in Russia. The same folks on that side who opposed President Reagan's defense build-up somehow seem to take credit for the fiscal benefit of the peace dividend.

The next biggest source of the deficit reduction, 32 percent, came from other revenue. Basically this was the fiscal benefit from the pro-growth policies such as the bipartisan capital gains tax cuts of 1997 and the free trade agreements that President Clinton, with Republican votes, got passed.

The savings from the policies I pointed out translated to interest savings. Interest savings account for 15 percent of the deficit reduction. Now, for all of the chest thumping about the 1990s, the chest thumpers who pushed for big social spending, did not bring much to the deficit reduction tables in the 1990s. Their contribution was this, 5 percent.

What is more, the fiscal revision historians in this body tend to forget who the players were. They are correct that there was a Democratic President in

the White House, but they conveniently forget that Republicans controlled the Congress for the period where the deficit came down and eventually turned into a surplus.

They tend to forget they fought the principle of a balanced budget that was the centerpiece of Republican fiscal policy.

Remember, the government shutdowns of late 1995? Remember what that was all about? It was about a plan to balance the budget.

We are consistently reminded of the political price paid by the other side for the record tax increases they put into law in 1993. Republicans played a political price for forcing the balanced budget issue in 1996. But as we found out in 1997, President Clinton agreed. Recall as well all through the 1990s what the year-end battles were about.

On one side, congressional Democrats and the Clinton administration pushed for more spending. On the other side, congressional Republicans were pushing for tax relief. In the end, both sides compromised. That is the real fiscal history of the 1990s.

Now, let's turn to the other conclusion of the revision by fiscal historians. That conclusion is that in this decade all fiscal problems are attributable to the widespread tax relief enacted in the years 2001, 2003, 2004, and 2006.

In 2001, President Bush came into office. He inherited an economy that was careening downhill. Investments started to go flat in 2000. The tech-fueled stock market bubble was bursting. After that came the economic shocks of the 9/11 terrorist attacks. Add in the corporate scandals to that economic environment, and it is true that in the fiscal year 2001, as it came to a close, the projected surpluses turned to a deficit.

But it is wrong to attribute the entire deficit occurring during this period to the bipartisan tax relief. Because, according to the CBO, the bipartisan tax relief is responsible for only 25 percent of the deficit change, while 44 percent is attributable to higher spending and 31 percent to economic and technical changes.

In just the right time, the 2001 tax relief plan kicked in. As the tax relief hits its full force in 2003, the deficits grew smaller. This pattern continued for 4 more years through 2007. If my comments were meant to be partisan shots, I could say this favorable fiscal path from 2003 to 2007 was the only period, aside from 6 months in 2001, where Republicans controlled the White House and the Congress.

But unlike the fiscal history revisionists, I am not trying to make a partisan point; I am just trying to point out a few fiscal facts. There is also data that compares the tax receipts for 4 years after the much ballyhooed 1993 tax increase and the 4-year period after the 2003 tax cuts.

I have a chart here that will track those trends. In 1993, the Clinton tax increases, the blue line, brought in more revenue as compared to the 2003 tax cuts. That trend reversed as both policies moved along in years. Over the first few years, the extra revenue went up over time relative to the flat line of the 1993 tax increases.

So let's get the fiscal history right. The pro-growth tax and trade policies of the 1990s, along with the peace dividend, had a lot more to do with the deficit reduction in the 1990s than the 1993 tax increases.

In this decade, deficits went down after the tax relief plans were put in full effect. No economist I am aware of would link the technical bursting of the housing bubble with the bipartisan tax relief plans of 2001 and 2003. Likewise, I know of no economic research that concludes that the bipartisan tax relief of 2001 and 2003 caused the financial meltdown of September and October 2008.

I have another chart that shows what the President inherited from the Democratic Congress and a Republican President. As I said, from the period 2003 through 2007, after the bipartisan tax relief program was in full effect, the general pattern was this: revenues went up, deficits went down.

One major point that needs to be said right here is to state where the government gets the money it spends. Basically I am asking, from where do taxes come? I would have thought this would have been perfectly obvious to most people, but I may have been wrong. Taxes come from taxpayers. I say this because we have heard tax relief for certain individuals referred to as the word ''bonus.'' A search of the CONGRESSIONAL RECORD for the Senate on December 1, 2010, shows that the word ''bonus'' was said nearly 50 times, the implication being that by extending tax relief for all Americans we are giving some people a bonus that other people are paying for.

Let me try to simplify this for my colleagues who are having trouble understanding. There is no proposal to cut taxes for anyone before this body. The question is, Instead, are we going to allow taxes to go up or are we going to prevent a tax increase? If we prevent taxes for everyone from going up, we are letting taxpayers keep more of their own money that they have earned and worked hard for. No one is proposing a bonus or a gift to anyone. The question is, Do we want taxpayers to have more or less of their own money?

My colleagues on the other side have been especially incensed by what they consistently refer to as ''tax cuts for the rich'' and seem to believe tax relief for everyone is responsible for our disastrous budget situation. However, I think nearly everyone serving in the Chamber and certainly the President and House and Senate leadership support extending around 80 percent of that tax relief. If those on the other side are serious in their pleas that taxes must be increased in the name of fiscal responsibility, how can they claim 80 percent of the tax relief is absolutely necessary and that 20 percent of the tax relief is absolutely wrong? This chart, drawn up from Congressional Budget Office data, should give more insight into the two groups the other side is talking about. The orange line measures the effective tax rate paid by the top 5 percent of taxpayers. By the way, this is where the small business owners' tax hit occurs. This group represents those tax-paying families with incomes over $250,000. Under the Democratic leadership's preferred tax policy, this line will go back up to where it was in the year 2000. Republicans would prefer to prevent this tax increase, and we have shown it falls primarily on the backs of small business.

The main point this chart shows, though, is that tax relief undertaken during the last administration benefited all taxpayers, and characterizing it as tax cuts for the rich is simply not accurate. Of course, I wish to put our country on a path to fiscal responsibility, but I do not believe higher taxes will lead us to that path. Rather, we need to carefully examine how we spend the money we already collect.

This debate is about one fundamental question. Who does the money you, the taxpayer, have worked hard to get belong to? Does it belong to the citizens who earn it or does it belong to the government? Is whatever the taxpayer is left with an allowance, with the balance to be spent by a government that knows best? I think most people would answer my last two questions with a strong resounding no. As we continue to discuss pressing tax matters in Congress, we need to keep these fundamental and simple truths in mind. We need to stop taxes from increasing for all Americans. It is fundamental, after all the years I have served in the Senate, that increasing taxes $1 does not go to the bottom line and bring the deficit down.

Through three or four different occasions during the years I have served in the Senate, we have had propositions, some of them even bipartisan, that we increase taxes by $1 and somehow we will decrease expenditures by $3 and, in the process, we are all going to win and the deficit is going to go down. But what we forget is how the mechanics of legislative bodies work. You increase taxes for a long period of time, but each year expenditures are reviewed, and somehow that 3-for-1 rule does not seem to hold on the expenditure side. They don't go down. They creep up, creep up, and creep up. So in the final analysis, it is kind of averaged out that for every $1 we bring in in increased taxes, it is a license to spend $1.15.

Some studies would say it is even much higher than that and not just one proposition like that but several propositions like that. That is how it has ended up. I don't like to increase taxes, but if there was ever a time I could increase taxes and knew that went to the bottom line and brought the deficit down $1, it might be a proposition I

could buy into. But the practice of legislative bodies, particularly the Congress of the United States, increasing taxes $1 is a license to spend more. It is a ratchet effect. I am very suspicious of those propositions. I think my colleagues see that raising taxes has not done anything to bring the budget deficit down.

I ask our colleagues, in these last few weeks of this Congress, to keep those historical facts in mind so we don't get hoodwinked into doing things that don't end up reducing the deficit. Even at a time when it sounds like it will reduce the deficit and makes sense, the common sense we ought to remind each other of is it doesn't work.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak on the upcoming amendments and debate we will have on the tax issue. Let me say a few things. First, we are in a very tough economic situation. We have a large number of unemployed people, and even people who have been employed over the last decade, for the middle class, their incomes have not gone up. Their buying power has not gone up. This is the first decade that middle-class incomes have not increased.

Second, the economy, if we look at statistics from 2000 to 2010, even with the recession, has done pretty well. But almost all the income and all the wealth has agglomerated to the top 1 percent and top 10 percent. That means the people at the highest end did very well, while everybody else did not. I have nothing against them. In fact, I think they are great. They are part of the American dream. To say they have gotten most of the wealth, some of my colleagues bring up the false issue of class warfare. It is not class warfare. It is a fact we have to deal with, just like saying middle-class incomes have not gone up enough. That is not class warfare either. Those are just facts.

Then there is the third issue; that when we began the decade in 2001 there was a surplus of $300 billion left by Bill Clinton. Now, of course, we have a huge deficit. We did when Barack Obama took office, and because of the stimulus it is greater. But the No. 1 reason was the tax cuts, mainly agglomerated to the wealthy, passed by President George Bush and a Senate and House led by Republicans.

Issue 4, when the tax rates were higher—Bill Clinton had raised them—we all know job growth in the 1990s far exceeded job growth in this decade.

So put all that together, and it makes a pretty strong point that the middle class needs relief, No. 1; that the country must overcome the deficit problems we face, No. 2; and No. 3, that the highest income people are doing great.

So what would be the proper solution to that when we have a tax bill coming before us? It is pretty logical. It is pretty obvious. We should actually make sure the middle class keeps their taxes low. They are the ones whose incomes have suffered. They are the ones who spend it when they get a check because they don't have much money. They are the ones who need the relief both for themselves and in their personal and family situations and for the economy. But to give huge amounts of tax breaks to the very wealthy doesn't make any sense. Why? Because, first, they are doing great. God bless them; second, because they don't spend it. They are not going to go out to the supermarket or the department store Christmas shopping because they know they are getting a little bit of a tax break; they have plenty of money. And third, because even most of them would probably admit they did fine when the rate was a little higher on them. It is not going to affect their business and spending decisions very much, if at all.

The logical solution is to give the middle class the tax break and say to the upper income: Your money should go to deficit reduction. That is what we will vote on in the next few days on the floor. Some would prefer that the level be 250, that the tax cuts should go to all those below 250. I know my colleague from Iowa feels that way. He will speak after me. I have been willing to have the rates go up to 1 million. I think having a rate for the very highest income people, which we always used to have, restoring that makes a great deal of sense because that is where the wealth is agglomerating. It is no longer people in the top 10 percent who do the best. It is people in the top 1 percent who do the best, far and away. On that vote, we will see where people stand.

Our colleagues on the other side of the aisle like to make it seem as if a tax cut for someone making $50,000 is the same as a tax cut for someone making $5 million. They say: Tax cuts for everybody. Don't raise taxes on anybody. But it is not the truth. What we are here to do is actually pull away the veil. It seems the No. 1 motivation of too many of my colleagues on the other side of the aisle is to give a tax break to the wealthiest among us, which may make political sense. I don't know. It may for them. It sure doesn't make economic sense. It doesn't make fairness sense. It doesn't make sense from the point of view of getting the economy going.

I want the American public, over the next few days, as we debate taxes, to listen. Ask yourself: Do you think someone making $10 million should get a huge tax break? Do you think Warren Buffett or Bill Gates should get a tax break that is more than the income of thousands and thousands and thousands of middle-class people? If you believe no, tell your Senator.

Do you believe the deficit is a serious problem and giving $300 billion to $400 billion to people who make over $1 million instead of putting that money into the deficit makes sense? If you do not, call your Senator and tell him no. Do you think it is at all fair to say that to extend unemployment benefits for hard-working people who are looking every day for jobs, that that has to be paid for but tax breaks to the wealthiest among us do not have to be? If you think that does not make any sense, tell your Senator, tell him or her no.

I know we have a very powerful media group on the hard right, and they are going to try to get on the radio and get on the television and convince the average middle-class person that Democrats want to take away their tax cut and Republicans want to give it to them. But nothing could be further from the truth. We have been the ones focused on the middle class, and they have been the ones focused on the wealthy.

We are not willing to hold middle-class tax cuts hostage until there is a tax cut for the wealthiest among us. It is time for some clarity. If all my colleagues on the other side of the aisle vote for a tax break for those whose annual income is above $1 million, unpaid for, I do not want to hear about deficit reduction when it comes to programs for transportation or education or health or the military from them ever again.

They may believe lowering taxes on everybody is a good thing. That is an ideology I do not agree with at this point in time. But they cannot claim deficit reduction is a goal when they will increase the deficit by hundreds of billions of dollars without it being paid for to give tax breaks to the very few wealthy families here in America.

As for the argument that those tax breaks are important to create jobs, no economist believes that. We are talking about the personal income tax rate, not the corporate rate. We are talking about people who, when they had a higher rate, did very well. We are talking about job growth in the last decade among the slowest we have had in a very long time under those low tax rates, whether they were times of economic growth or economic decline. There is virtually no good argument to give huge tax breaks to the very wealthy at a time when our deficit is as large as it is. There is a very good argument to give those same tax breaks, on a percentage basis, of course, to the middle class.

So to the American people, please watch the floor tonight, tomorrow, over the next several days. Figure out who is on your side. Figure out who is being fiscally responsible. Figure out who wants to help the average middle-class person and at the same time get a hold on our deficit.

Again, I repeat, I respect and salute those who have made a lot of money on their own and are very wealthy. God bless them. They are part of the American dream. But the American dream does not say that at a time of need, at a time when deficits are severe, that because you have made all that money you should get a more huge tax break than everybody else.

So this debate is going to be an interesting one. I think it is going to set the tone for what we do over the next 2 years. Believe me, we will be talking about the millionaires' tax break—who voted for it and who voted against it—not just today and not just tomorrow but over the next 2 years. It is a very important issue and one we cannot let rest for the good of the middle class, for the good of deficit reduction, for the good of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened with great attention to the speech just given by my friend from New York. Senator SCHUMER is right on target when he is talking about: Whom are we fighting for? What are we in the Senate for? What are we here to do? Whom are we fighting for?

I have often said the one thing about the very wealthy in our country, they are pretty good at taking care of themselves. Obviously, they would not be rich if they were not. But what about the people who do not have much? Who is fighting for them? This is what I wish to spend some time talking about; that is, the unemployed in this country.

Last week we went home for Thanksgiving. I hope everyone had a good time with their families. Now we are looking at the upcoming holidays with anticipation, as we do every year, to be with our families, go out and buy some presents and exchange presents—kids, grandkids, a festive time.

But what about all those people who are out of work and have no money, who right now are being cut off from the only lifeline they have, unemployment insurance benefits—losing them day after day because they ended 2 days ago. By the time Christmas rolls around, somewhere close to 2 million Americans not only will be out of a job but will have no source of income whatsoever, facing another winter season celebrating the holidays with nothing.

I had a newspaper headline I showed the other day that said: ''Luxury spending is back in fashion''—about how much money was being spent on jewels and fancy wristwatches and high-end types of things. Then, right under, in small print, it said: However, for millions of Americans they are not shopping anywhere because they are out of work.

The two faces of America—is that what we want this country to be, a few who can spend on lavish, jewel-encrusted watches, buying $2,500 cashmere scarves, as I just read about the other day, and everybody else sort of getting in the soup line? We are a better country than that.

That is what I wanted to talk about: reauthorizing the emergency unemployment insurance program. But I, first of all, listened to my friend and colleague from Iowa, Senator GRASSLEY, talk about taxes. I did not hear the whole speech, but I heard him say raising taxes never reduces the deficit or reduces the debt. I do not know which he said—either the debt or the deficit.

Well, I hate to disagree with my friend, but in 1993, when we enacted the Clinton economic proposal, it included increasing taxes in 1993. Oh, I remember the Senator from Texas, Mr. Phil Gramm, an economist, got up and said: Oh, this is going to cause a depression. This will be the worst thing that ever happened to this country. We are going to rue the day we ever did this. Well, we passed it. Of course, it did not get one Republican vote, and we did raise some taxes in 1993.

What happened, then, for the next 7, 8 years? We had unprecedented growth in this country. Quite frankly, we did balance the budget by 2000. Not only did we balance it, we had a surplus, and we had a surplus going into 2001. That is when George Bush came to the Presidency and said: Oh, we have this big surplus. Alan Greenspan was warning us we had too much of a surplus and it might not be wise to pay down the debt. We were on course to pay down the national debt. Then the Bush administration pushed through some tax cuts, for which they said: Oh, we are just going to do it temporarily, you see, just until 2010. We will keep them until 2010, and then we will have to revisit it or we will go back to what we had before in 2001.

They made that deal. I did not vote for it. I did not think we should cut taxes that time. I thought we should pay off the national debt. That would have strengthened our economy more than anything. But, no, the Bush administration, the Republicans who controlled the House and the Senate, said they wanted to cut the taxes. Most of the taxes that were cut, as my friend from New York said, were for the very wealthy.

What happened? Did we have a lot of job growth? Not a bit. Not a bit. Not only did we not get job growth, the deficit skyrocketed. So I do not want to hear any exhortations from that side of the aisle about how raising taxes has never reduced the deficit or the debt. We did under Bill Clinton. The proof is there. We had a surplus. But they wanted the tax breaks to give to the wealthy.

Lastly, my friend from New York talked about being held hostage. There has been a lot of talk about middle-income Americans getting a tax break. But I ask—and I keep asking—who are middle-income Americans? Who are they? Well, I keep hearing it is those earning $250,000 a year or below. Mr. President, $250,000 a year? My friends, if you are making $250,000 a year, you are in the top 5 percent of the income earners in America. That is right. If you make $250,000 a year, 95 percent of the American people make less than you do. So is that middle class? I do not think so.

To me, in the middle class are people who are making $30,000, $40,000, $50,000, $60,000, $70,000, $80,000, $90,000 a year. That is the broad middle class of America. A lot of people in America are living on $40,000 a year. It might be hard for some people to think about that, but that is true. They do not take fancy trips. They do not have fancy cars. They do not go to fancy restaurants. They do not wear suits and ties every day. But they are working, and a lot of them are working at jobs that are important to our society.

They may be nurses aides. They may be taking care of our elderly in a nursing home or in assisted living. They may be our childcare workers taking care of our children. They could be working in fast food places. They are making $35,000, $40,000, $50,000 a year, and that is it. That is the middle class of America. What are we doing for them? What are we doing for that middle class?

So every time I hear about that $250,000 is the middle class, I am thinking: Wait a second. You are talking about the top 5 percent in America. If you want to talk about the broad middle class, you have to start talking about people making less than $100,000 a year. What are we doing for them?

Well, it seems to me, if we are going to have some tax breaks and stuff, we have to think about this group. In that group—in that group—of the broad middle class is the army of the unemployed. That is where the unemployed are. The unemployed are not on Wall Street. They got their bailouts. They are getting million-dollar bonuses this year, and my friends on the Republican side want to extend the tax breaks so not only do they get their million-dollar bonuses, they will not have to pay their fair share of taxes on them either, not to mention, for some of them, the way they are getting their money, they are being charged at the least possible tax rate—not as regular income but as capital gains. But I am not going to get into that right now.

So what are the Republicans doing? They are saying we cannot extend the unemployment benefits for the millions of Americans who are unemployed until and unless we have tax breaks for the wealthiest Americans. For those making over $250,000, $500,000, over $1 million—they do not care; no matter what, no matter who you are, how much money you make—we have to give them tax breaks or we cannot extend unemployment benefits to the unemployed. You want to talk about hostages? The Republicans in this Congress are holding hostage the unemployed workers in America because they want to get the tax breaks for the wealthiest. That is what is happening here. I don't know that many of the American people know about that. Oh, they see us debate this stuff and back and forth about who is going to get these tax breaks, but right now unemployment benefits have run out. We have asked I think three or four times, if I am not mistaken, on the Senate floor for unanimous consent to extend

the unemployment benefits, and the Republicans have objected every single time. Why?

They wrote a letter. Yesterday, the Republican leader had a letter signed by every single Republican in the Senate that said they will not allow any bill to pass the Senate unless and until we pass a bill giving tax breaks to the wealthiest Americans. It almost begs credulity. You wonder, is this real? Do they really mean that? Well, they signed their names to it. That means we can't extend unemployment benefits until we give in, until we give in to the Republicans and give tax breaks to the wealthiest Americans. What a deal. What a deal—holding people who are at the end of their ropes—the most vulnerable in our society—holding them hostage for their Wall Street friends.

I have heard this said by some on the other side: Well, unemployment benefits make people lazy. If you give them unemployment benefits, they won't look for work.

Well, let me talk for a minute about what the labor market looks like right now, and we will see if these people are really lazy. Right now, there are 15 million people who want a job and can't find one but 9 million people forced to work part time because they can't get a full-time job. There are a number of other people who have looked for a job, and they have given up. They have been out of work for 2 years. As the Presiding Officer knows, after 99 weeks, you don't get any unemployment benefits whatsoever, and a lot of people have been out of work for over 99 weeks. They have nothing. That means our unemployment rate is not around 9 percent; it is actually about 17 to 18 percent. And these unemployed workers are looking for work.

What people have to understand is that before you can get unemployment benefits, you have to be actively looking for work. It is a requirement in order to get it. But what is happening out there? Workers can't find jobs because there aren't any. There is one job for every five workers. Well, it says here: 14.8 million workers unemployed. That is not really true. It is actually about 26 million. That is 14.8 million unemployed, but when you include those who have given up because they have gone beyond 99 weeks, when you take into account those who work part time because they were working full time but now they can only get a part-time job, it adds up to almost 26 million.

Let's just take the Bureau of Labor Statistics as they are: 14.8 million workers, 2.9 million jobs, 1 for about every 5. Actually, it is fewer than that. If you really look at the overall picture, it is really more like 1 in 8 to 1 in 10. So, in other words, for about every 8 to 10 workers, there is 1 job out there someplace. So most workers will lose on this kind of game of musical chairs. When you run around and the music stops, one person gets a job and six or seven people don't have one. So I challenge my Republican friends: How can six or seven or eight people find a job when there is only one available? That is why we have so many people facing long-term unemployment.

Over 6 million people have been out of work for more than half a year. I saw a lot of them who were here in Washington yesterday. Four in 10 workers, what we call the long-term unemployed, have been unemployed and looking for a job for at least 6 months. This is higher than during any previous recession.

There are extensions going back to 1950. In terms of the share of the total unemployed—you can see the graph here—in terms of who has been unemployed for more than 6 months—and as we can see, as we go from the 1950s to here, look at where this line now goes in 2010: more than we have ever had going clear back to the 1950s. Long-term unemployed, higher than any previous recession. It is the highest in 60 years. They are being held hostage by the Republicans.

Long-term unemployment is especially common among older workers over aged 50. These are people who have worked all their lives, they have saved for retirement, they have lost their jobs, and they are having a very difficult time finding new work. A year, year and a half, 2 years—I have met people out of work for well over 2 years. Again, they can't find work because it is not there, through no fault of their own.

So, as I said, our economy needs at least 11 million jobs—at least. To say that people who are unemployed are lazy and shouldn't get benefits—if you say that, you are obviously out of touch. You are out of touch with the real world and what is happening out there and the difficult circumstances that face our hard-working American families.

I get a lot of letters—and I am sure the occupant of the chair does too from his home State—from people who are just at their wit's end, and they just tear your heart out.

A 50-year-old woman from Altoona has been unemployed since November 2009, a year and a month. She wrote me: ''I can't even get a job at McDonald's right now, and believe me, I have tried everywhere.'' Unemployment insurance is helping her get by, but she is worried about running out of benefits, which just happened 2 days ago. I got this letter before 2 days ago. Her unemployment benefits are out.

An unemployed schoolteacher from Estherville wrote me. She said:

> I have not felt so humiliated in 20 years. I have been a productive and hard-working woman since I was 13, but now I feel insignificant.

She wrote me that this summer. This month, she wrote me again. She said:

> I have tried to find employment in other States, all over Iowa, in every form of employment you can imagine: convenience stores, fast food, factories. I am a high school math teacher with three college degrees and I can't find a job. If it weren't for unemployment, I would be on food stamps.

But without unemployment insurance, she doesn't know what she is going to do. She just lost hers a couple of days ago too.

These are just two examples, but there are millions. In this holiday season, from now until the new year, 2 million people will be cut off if we don't continue these programs. In Iowa, my home State, more than 10,000 people will be cut off from their benefits during this holiday season. And if we don't do anything, we will face 6 million by April left without any source of income, hanging by a thread. Their savings are exhausted. Their unemployment benefits are the thin lifeline keeping them afloat.

Congress has never cut back emergency unemployment benefits when the unemployment rate was as high as it is now, and this is no time to start. Here it is again. Going back to 1959, when we had high rates of unemployment, every single time, Congress passed emergency funding to keep unemployment benefits going—that is, until now.

Republicans have said, oh, they will extend it, but they want to pay for it. It is about $56 billion to extend it for 1 year. They have to pay for it, and how they want to pay for it is to take money out of the Recovery Act. There is still some unexpended money there that is going out for things such as roads and bridges and infrastructure projects that put people to work. So they want to take money from that, which is giving people some jobs and helping build our infrastructure, to put into unemployment benefits, when, going back to 1959, through Republican and Democratic administrations, we have always said this is an emergency, and that is the way we fund it.

Well, the Republicans say, we have a huge deficit. We can't do that anymore. Then why are they so intent on passing a tax cut bill, extending a tax cut for the wealthiest Americans and they don't pay for it? They put it on the deficit—not for $56 billion but for $700 billion. Oh, they are willing to do that. They are willing to do that for the wealthiest but not for people at the end of their rope, the unemployed.

So I guess we have entered a new era in this country. We don't help the unemployed: we just help the wealthy. That is all we do. That is why we are here, I guess. Look at that. We ought to be ashamed of ourselves. I ask, have my Republican friends lost all sense of fairness? Have my Republican friends on the other side of the aisle lost all sense of justice? Have they lost all sense of what is right and what is wrong? Where is the moral outrage? Where is the moral outrage that we are going to let people stand in the soup lines for Christmas but we are going to give tax breaks to the wealthiest? We are going to give million-dollar bonuses to the people on Wall Street who, by the way, caused a lot of these problems, and we won't even make them

pay their fair share of taxes. Where is the outrage? Well, I will tell you. It is out there. The American people are seeing this. They are saying: Wait a minute, Congress wants to pass this big tax break and they won't help the unemployed? They get it. They get it.

I can't believe Congress is doing this. I can't believe my friends on the other side of the aisle are so hard-hearted that they would hold hostage—that they would not let us move a bill to extend the unemployment benefits until we pass their bill to extend the tax breaks to the wealthiest Americans. Where is our sense of moral outrage at this?

Just one other thing. Unemployment benefits that we give out to people is not money that is thrown down a rathole. Quite frankly, one of the best economic stimuli we have is unemployment benefits, believe it or not. Why is that? Well, because people who get unemployment benefits—and right now, in my State it averages about $300 a week. That is about a national average. It is right about there. It is about $300 a week. That is about $15,000 a year. That is lower than the poverty wage, by the way. If you think unemployment benefits are some big deal, it is lower than the poverty wage. So when they get that money, what do they do? They go out and they buy groceries. They buy some clothes for the kids. They buy the necessities of life. And that money acts as a multiplier to our economy.

This is Mark Zandi, Moody's economy.com, about how the GDP increase is generated by $1 of stimulus going to these various things. Food stamps is the best. For every dollar we put into food stamps, we get an increase in GDP of $1.74, again because people spend that money to buy food, most of which is grown, produced, processed, packaged, shipped, and bought in America. Unemployment benefits are right next to food stamps—$1.61 increase in GDP for every dollar we put out, again for the same reason. People using unemployment benefits are not using them to buy a Mercedes. They are not using the benefits to buy a new, high-definition, 3D flat screen TV made in Japan. They are not using the benefits to buy a gold-encrusted, diamond-studded Rolex watch made in Switzerland. They are using these benefits to buy the necessities of life, most of which are made here in America. Extending the Bush tax cuts—for every dollar we put in, we get back 32 cents in GDP growth.

That is what the Republicans want. Why, when trying to stimulate the economy, would we put $1 into something that returns us only 32 cents, when we can put $1 in and get back $1.61? How about infrastructure investments. We get back $1.57 for every $1. It is very close to unemployment benefits. Yet Republicans want to take money out of this and put it here. Why don't we take money out of here—the tax cuts—and put it here? That is a better deal for our economy. It creates jobs, and we get an increase in economic activity in our country.

As I said earlier, here it is. The average UI benefit is about $15,600 and the poverty level is $21,756 for a family of four. It is a powerful benefit that provides food, clothes, housing, utilities—all of the things needed just to keep life going. That is what these unemployment benefits are spent on.

With the holidays coming, our economy needs the money and people need the benefits. Cutting off that revenue would be counterproductive for jobs. It is counterproductive for the people who need these benefits. It makes no sense economically to cut off unemployment benefits. But more importantly, it makes no sense morally. There is such a thing as right and wrong. There is such a thing as fair and unfair and just and unjust. It is not just, it is not fair, and it is not right that, through no fault of their own, we are saying to these people, the unemployed in America, the millions—whether it is 14.9 million or closer to 26 million or anywhere in between—it is just not right to say: Well, maybe we will extend your unemployment benefits after we extend the Bush tax cuts for the wealthiest in our society. That is totally irresponsible. But that is where we find ourselves.

I say to the President of the United States: Mr. President, you made a lot of promises when you were campaigning in my State of Iowa, and one of the most important you made was that you were going to hold the line—and you said this time and time again—at $250,000. You would extend the tax breaks to middle-income people below $250,000. You ought to hold to that, Mr. President. You ought to hold to that.

We will see if the Republicans want to shut down the government. Do they want to shut the government down? That is what they are saying. We are going to have to have a resolution on the Senate floor—because it will run out—to keep the government going. They are saying they will not pass that unless and until we extend the Bush tax cuts for the wealthy.

I dare the Republicans to shut the government down just because they want to give tax breaks to the wealthy. I say if that is what they want to do, let the American people see the extent to which the Republicans will go in order to help their wealthy friends.

Mr. President, hold to your guns, hold to your guns on $250,000 and below. Don't give in. Don't give up. The American people are behind you on this one, Mr. President. Tell them you want unemployment benefits extended, you want middle-class tax breaks extended, and we want to fund the government. We don't want to go into default. We want that first. Don't give up, Mr. President. The American people will be behind you, and this Congress will be behind you too.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, today the House passed legislation that would extend the tax cuts for those middle-class taxpayers who make under $200,000 a year. That is a good thing, and I support that. But why on Earth would we extend the tax cuts for a certain segment of the population and not extend the tax cuts for everyone? Why would we do that? Who are the job creators in our country? What is the problem our country has right now? It is jobs. We have an unemployment rate that is hovering around 10 percent. So what should we be doing in Congress to try to alleviate that situation? We should be doing everything in our power to create jobs in the private sector. The private sector is where jobs will be a created, where it will be something that will support a family.

Of course, we are going to support tax cuts for everyone in this country because we are in an economic recession. The idea of increasing taxes on the people who would create jobs is something that could only come out of Washington. All of us have been home for the last few weeks. Last week was Thanksgiving, and we were in grocery stores talking to our constituents. Time and time again I heard people in the real world, people who are creating jobs, saying: Why don't you all address the issues of this country? Don't you know what is happening?

Well, do you know something? They have a point. They have a point because, of course, many of us have been saying this for a long time. But here we are in December, the last month of the year. The IRS can't even print the tax forms because they don't know what the tax rates are going to be because Congress left in September and didn't finish its job. Now here we are in December and we are going to have a train wreck.

That is why those on our side signed a letter saying that we are not going to address any issue until we settle the tax issue and the issue of funding government. After that, there are many things that could be on the agenda. But those are two things that are essential. So knowing the way things work around here, and knowing that we could end up talking for 2 more weeks before we do anything, we are going to set the priority to say that it is tax cuts and it is funding the government, and if we can do other things, fine, but if we can't, then we go home.

I think the START Treaty is very important, and we are all looking at that. But we have to make sure the small businesspeople of our country know what to expect. And if they can hire people on even in this holiday season, it will make a difference.

President Reagan and President Kennedy and President Bush 43 all did something that had the same effect on our revenue in this country; they cut taxes and revenue increased. Cutting taxes is what increases and spurs the

economy, and it works every time. So now we are talking about deciding who is going to get their tax cuts and who isn't.

We should be saying clearly and simply to the American people—and especially the small businesspeople who are waiting to see what their budgets are going to be next year—we are not going to raise taxes on anybody because we want you to hire; we want you to give jobs to the people of this country. If we can extend unemployment for those who have been out of work and can't find something, and they are really trying, and we can do it in a responsible way and pay for it, hopefully—I believe if we cut taxes, that will spur the economy and pay for it.

Tomorrow, apparently, in the Senate we are going to get the House bill that passed today that cuts taxes for some but not all. So what will happen if we do what the House has suggested? Households will lose, on average, $20,000 in total disposable personal income between 2011 and 2020. Total individual income taxes will increase by $37 million between 2011 and 2020. Jobs will be lost and small businesses are not going to hire. I can tell you that anecdotally because I have been talking to the small business owners in my State. I was a small business owner, and I know what it takes to increase employment.

Without action by us, the death tax will return with a vengeance. A lot of people think: Oh, a death tax, that is just going to affect the heirs of rich people. I think we have to remember that estates over $1 million will be taxed at the 55-percent rate. So many small businesses in this country are either farms or ranches, where the valuation at death on the property is going to be so much higher than the productivity on that land, and the heirs are going to be faced with selling the property to pay the taxes, which means it will no longer have any capacity for hiring people or productivity.

The same is true for small manufacturing companies. I was a small manufacturer. I can tell you my equipment was worth a whole lot more than the productivity of that equipment. You can pay for it over time, so you own the equipment. But then if you die and your heirs have to pay a huge estate tax on the value of equipment, then they are going to have to sell the equipment and, therefore, you have lost the business.

The statistics in this country of family businesses that are passed to the second generation and the third generation are abysmal. It is about 50 percent that goes to the second generation. To the third generation, it is 20 to 30 percent. Who does that hurt? Of course, it hurts the families. It also hurts the employees of those family-owned businesses. They are the ones who will be put out of work. So the estate tax going to 55 percent over $1 million is not good public policy. It would be outrageous for us to leave this year and go into that kind of estate tax, which is confiscatory.

I have to tell you, I think it walks away from the American dream. The American dream is that you can start from nothing in this country and you can build something and you can give the fruits of your labor to your children. That is the American dream. That is what people come here and work for 7 days a week in restaurants, to try to build something to give to their children. Who are we to take that away? That is the American dream. But it will be gone at the end of this year if we don't address that issue in Congress.

Capital gains and dividends: How many of our seniors are living on capital gains and dividends? I guarantee you, anybody who has a bank account knows you are not earning anything from that. You are not earning from cash because the interest rates are so low that many of our seniors are struggling. If they have a nest egg of stocks that is paying some dividends, then that is what many of them are living on. So we are going to raise the tax on dividends from 15 percent to 20 percent at a time when so many seniors are struggling. That is what is going to happen if we don't address the tax cuts by the end of this year.

The marriage penalty: That is my bill. I introduced relief from the marriage penalty. Why should two people working get married and go into a higher tax bracket in this country? We addressed that issue. For most people, we have eliminated the marriage penalty, but not at the end of this year, if we don't act, the marriage penalty comes back. So a policeman and a schoolteacher who marry are going to have to pay about $1,400 more in taxes just because they want to get married—a schoolteacher and a policeman. It is an absolute fact. Is that what we want in this country?

Small business owners pay at the individual rates—a subchapter S small business. Many small businesses are created to be able to pay at the individual tax rate. Over 50 percent of the small businesses in our country pay at the individual tax rate. So now we are going to say individuals' tax rates are going to go up if they make over $250,000, which is many of the small businesses in our country, so they are going to be paying at the higher rate. These are the things that are going to happen if we don't act.

The House passed legislation that is going to be devastating for the people who are unemployed in this country. How could we even think of doing something so drastic? I hope tomorrow when the Senate takes up the House bill that we send it back to the House and say: This is not going to go.

I will say to the President of the United States: I thought, Mr. President, that you said you were open to working on extending the taxes for everyone, and yet here we are, with the leadership of the House who just talked to the President this week, and we have the same thing they have been talking about for all these months—no give, nothing has changed.

So here we are, it is December, and the people of America expect the leaders of Congress to address the issues that are on people's minds. We are 3 weeks from Christmas, we are 4 weeks from the end of the year. How could we leave without taking responsible action to let everyone in this country who is paying taxes know how to plan for—I would hope for 2 or 3 or 4 or 5 years?

Lastly, Mr. President, I want to say the one thing that seems to be missing in the Halls of Congress is the importance—to a family, but also to a small business especially that is thinking of expanding and hiring people—of stability and predictability. You can't say we are going to extend the tax cuts for 1 year or 2 years and do the right thing for the economy of our country. We ought to do it permanently, to be honest. But if you are not going to do it permanently, at least do it for 5 years, or, at a minimum, 2 or 3 years.

It is not going to cost the government to give these tax cuts. We are keeping it the way it is now. We are trying to spur jobs being created in our country. So when people talk about this is going to cost the government X billion dollars to let people keep the money they have earned, they are going right over the heads of the American people.

So predictability is the most important thing we can do for small businesses so they can plan, so they can say we are going to expand our product line, we are going to expand our service area. These are the things they can do if they know what their tax commitments are going to be, and if they know what their health care costs are going to be. That is what is freezing the economy right now because people don't know what to expect.

So I hope the President is listening. I hope the leadership of the Senate is listening. Most certainly, I hope the House of Representatives will come to the table and see we can do better than this, and we ought to do it before we leave this week or next week so people know what to expect; so small businesses can sit down at the end of the year and plan their businesses and create jobs in this country. That is the Christmas present people would like. They want jobs. They want to work to support their families. They do not want to live on unemployment. They do not want to live on food stamps. That is not a life. It is not a future. It is not hope. That is what they want—a future and hope for their families.

So I hope, myself, that we, the leaders of America, will give the American people what they deserve and what clearly is in the long-term best interests of their families.

Mr. President, 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. LEMIEUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO CONGRESSMAN LINCOLN DIAZ-BALART

Mr. LEMIEUX. Mr. President, I come to the floor, as many of us have done in recent weeks, to pay tribute to a Member of Congress who is retiring—to a great Floridian and a great American, a man I am proud to call a colleague and a friend, Congressman LINCOLN DIAZ-BALART. Congressman LINCOLN DIAZ-BALART is retiring after 18 years of service in the U.S. House of Representatives.

Born in Havana, Cuba, LINCOLN came to the United States in 1959, at the age of 4 years old. His father, Rafael Lincoln Diaz-Balart, had just been elected a senator in Cuba, but he could not take office or remain in Cuba because of the rise of the dictator Fidel Castro.

LINCOLN DIAZ-BALART rose in the House of Representatives to become a senior member of the Rules Committee, the ranking member of the Subcommittee on Legislative and Budget Process, and is now the co-chairman of our congressional delegation. He is also the chairman of the Congressional Hispanic Leadership Institute.

LINCOLN grew up in south Florida. He attended public schools there and high school, but he also attended school in Madrid, Spain. He received a degree in international relations from New College in Sarasota and obtained a diploma in British politics in Cambridge, England. He received his law degree from Case Western Reserve University in Cleveland.

LINCOLN started the practice of law in Miami. He worked for Legal Services of Greater Miami, providing free legal services to the poor. He was subsequently an assistant state's attorney, prosecuting those who committed crimes, and a partner in the prestigious Fowler, White law firm.

LINCOLN was first elected into politics in the Florida Legislature back in 1986, but quickly—just 3 years later—ran for the U.S. Congress. In 1992, he served his first term as a Representative of Florida's 21st Congressional District and served as a member of the House Foreign Affairs Committee.

In 1994, LINCOLN became the first Hispanic in history to be named to the powerful Rules Committee. In 1996, he drafted much of the legislation that strengthened the embargo against Cuba and its dictatorship.

In 1997, he showed his penchant for helping those in need by successfully carrying out efforts to restore the supplemental security income and food assistance to legal immigrants who were denied aid by the welfare reform law of the previous year.

As a member of the House Rules Committee, on September 14, 2001, Congressman DIAZ-BALART took to the floor of the House the joint resolution authorizing the use of force in Afghanistan after the September 11 attacks.

Congressman DIAZ-BALART lives in Miami with his wife Cristina and their two sons Lincoln and Daniel. When he retires, Florida will lose one of its strongest voices, as will this country and all those who care about freedom around the world.

He has fought for Florida's families with integrity and effectiveness. From his time in the State senate to his service in Congress, he has served with passion, drive, and a steadfast determination to do what is right. Most of all, and what I appreciate him most for, he has been a champion of freedom and democracy, not only in Cuba but throughout Latin America and the world.

No one in Congress is more passionate about ending the oppression that Cubans suffer under the current regime. His efforts are known not only here but throughout the world. He is a voice of change, and he is a passionate believer in the rights of people everywhere to be free. He speaks for political prisoners held in the regime's prisons, he speaks for those who suffer beatings for speaking out against their captors, and he speaks for everyday Cubans who hunger for the freedom they have never felt.

I have heard LINCOLN speak many times about the plight of the Cuban people. I have seen his desire to see the people of Cuba enjoy the prize of liberty that has been denied them for more than 50 years. When he speaks about these issues, you feel his passion. His voice has been a great voice for a life of liberty throughout Florida, this country, and the world.

To know LINCOLN is to know one of his heroes—his father Rafael Diaz-Balart, a well-respected public servant. When he had to leave Cuba in 1959, he arrived in the United States and established the White Rose, the first anti-Castro civic organization. When LINCOLN returns to Florida, he will lead a nonprofit inspired by the White Rose. I know his father is looking down from Heaven and will continue to be proud of his son.

The House of Representatives will not be the same without his talents, but Florida will continue to benefit by having him back at home full time. As an article in his hometown paper—the Miami Herald—noted, even though LINCOLN has announced his retirement, the pulpit will change but the passion will not. To me, LINCOLN will always be a steadfast ally in the cause for freedom 90 miles away from our shores in Florida. He knows that freedom is not negotiable, and its cause is the most noble cause in the world. Our country and our world is better off because of my friend LINCOLN DIAZ-BALART.

I will always be grateful to him because when I came here to the Senate with him and his brother MARIO DIAZ-BALART, another great champion for freedom, I was mentored in the issues that affect my State and so many of the people in my State who come from Cuba and other countries in Latin America. Through their mentoring and through their passion and through the education they provided to me, I was better able to understand his plight, a plight that I don't think most of my colleagues can know as well as we can in Florida—that just 90 miles from our shore is an evil dictator who oppresses his people.

When I am in Florida talking with folks, oftentimes I will make the remark, if I am, say, in Orlando, FL: Can they imagine that just 90 miles away, say, in West Palm Beach, FL, that it would be illegal to speak out against the government, illegal to practice your religion, illegal to gather together in association to express your political views—all of the freedoms we sometimes take for granted? Just 90 miles from our shore, people are jailed, are killed for trying to exercise those freedoms.

It was brought home to me most when I was visited recently by a man by the name of Ariel Sigler. Ariel was a political prisoner in Cuba for 7 years. He has recently been released, and he was in Miami receiving medical care. Ariel is a man who was a professional boxer, a large, strapping man. But he didn't just fight with his hands; he also raised his voice for freedom in his native Cuba. When he did so, he was thrown in jail, and now he is a man who is about 100 pounds less in weight, whose once towering frame is relegated to a wheelchair because for 7 years he was imprisoned just for wanting to criticize his government. He was put in a small cell with several other prisoners. He was fed maggot-infested food, and he had to wash in a pipe and drink from a pipe sitting outside his cell, as did all the other prisoners. It made him sick, desperately sick. This happens just 90 miles from the shore of this country. It is intolerable.

But I know of this, and my heart bleeds for the Cuban people because of the great work of Congressman LINCOLN DIAZ-BALART. So we will miss him. His voice has fought for freedom in this body, in the U.S. Congress, for 18 years. But as the Miami Herald said: The pulpit will change but the passion will not.

We know he will continue to hold that lamp of freedom and be an advocate for free people and people who yearn to be free throughout the world.

I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEMIEUX. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 7:19 p.m., recessed until 9:38 p.m. and

reassembled when called to order by the Presiding Officer (Mr. UDALL of Colorado).

The PRESIDING OFFICER. The majority leader.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.J. Res. 101, which is the 2-week continuing resolution; that the joint resolution be read three times, passed; the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 101) was ordered to be read a third time, was read the third time, and passed.

FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 4853.

The Presiding Officer laid before the Senate a message from the House as follows:

H.R. 4853

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 4853) entitled ''An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.'', with a house amendment to the Senate amendment.

MOTION TO CONCUR WITH AMENDMENT NO. 4727

Mr. REID. Mr. President, I move to concur in the House amendment to the Senate amendment to H.R. 4853 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment with an amendment numbered 4727.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. I have a cloture motion which is at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative 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 amendment to H.R. 4853, the Airport and Airway Extension Act of 2010, with an amendment No. 4727.

Harry Reid, Charles E. Schumer, Benjamin L. Cardin, Barbara Boxer, Al Franken, Jeanne Shaheen, Mark R. Warner, Debbie Stabenow, Sheldon Whitehouse, Mark Udall, Tom Udall, Byron L. Dorgan, Patty Murray, Robert P. Casey, Jr., Patrick J. Leahy, Tom Harkin, Jeff Merkley.

AMENDMENT NO. 4728 TO AMENDMENT NO. 4727

Mr. REID. I have a second degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SCHUMER, Ms. STABENOW, and Mr. MENENDEZ, proposes an amendment numbered 4728 to amendment No. 4727.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative 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 second-degree amendment No. 4728.

Harry Reid, Charles E. Schumer, Benjamin L. Cardin, Barbara Boxer, Al Franken, Jeanne Shaheen, Mark R. Warner, Debbie Stabenow, Sheldon Whitehouse, Mark Udall, Tom Udall, Robert P. Casey, Jr., Frank R. Lautenberg, Dianne Feinstein, Mark L. Pryor, Richard J. Durbin.

Mr. REID. I ask unanimous consent that the mandatory quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO REFER WITH AMENDMENT NO. 4729

Mr. REID. Mr. President, I have a motion to refer with instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Committee on Finance with instructions to report back forthwith, with the following amendment:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to $250,000.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4730 TO AMENDMENT NO. 4729

Mr. REID. I have an amendment to my instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4730 to amendment No. 4729.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

''including specific information on the impact of the delay in extending the tax cuts.''

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4731 TO AMENDMENT NO. 4730

Mr. REID. Mr. President, there is a second-degree amendment at the desk that I ask be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4731 to amendment No. 4730.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

''and include statistics which reflect regional differences''

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.

Mr. REID. 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. REID. Mr. President, we have worked hard today trying to be at a point where we could be further down the road than we are. I know the Republican leader has worked hard to try to get to a point where we could have the four amendments that people are talking about all around this city.

We were not able to do that because of at least one Republican who held that up. Senator MCCONNELL has given this a valiant try and I have been in the position he is in and I understand that. I certainly do not criticize him.

I would hope everyone understands we are going to have to have some votes Saturday. We are going to wind up having, right now, two cloture votes. We may not have any more. We

may not be able to work out anything with the minority. But everyone should be aware that could happen. We are satisfied, if the minority does not want those other two amendments, then we will just go ahead as we are scheduled now under the rules of the Senate.

We are going to have to be here on Saturday. We have so many things to do, as everyone knows, and we have been trying to work through some of that this week and have not gotten through nearly as much as we wanted.

I am, however, disappointed we have not been able to do more. I received a letter from all the Republicans yesterday saying: We are not going to allow you to do anything legislative until we get the tax cuts resolved and funding the government.

Well, we are not only not getting legislative things done now, now they are not letting us do the tax cuts and funding the government. So we are going to try to work our way through this. We have a lot to do. We have to work together, and I intend to be as cooperative as I can. My caucus, even though we have very strong feelings, recognized we are trying to do what is good for this country, but we cannot do them alone. I apologize for not having more definition early on, but we did the best we could.

So tomorrow we are going to be in session and there will be time for people to give some speeches and do the things they need to do. Be prepared for Saturday. As to what time Saturday, we do not know. Under the rule, it is 1 hour after we come in. If we can work out something different than that, we will do it.

The PRESIDING OFFICER. The assistant majority leader is recognized.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that 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.

OUR NATION'S COINAGE

Mr. DODD. Mr. President, I would like to briefly describe two pieces of legislation which were before the Committee on Banking, Housing, and Urban Affairs, and recently secured full approval of the Senate.

The first piece of legislation is H.R. 6162, the Coin Modernization, Oversight, and Continuity Act of 2010. This bill principally addresses the issue of how to approach the costs of metals used to make our Nation's circulating coinage. In recent years, market prices for various metals—including those used for our Nation's coinage, such as nickel, copper, and zinc—have risen to such a point that it costs the U.S. Mint more than a penny to make a penny, and more than a nickel to make a nickel. By giving the Treasury Secretary the authority to conduct research and development on metallic materials for all circulating coinage, as appropriate, and mandating a biennial report on the status of current coin production costs and an analysis of alternative content, this legislation will equip the U.S. Mint with the tools necessary to present detailed legislative recommendations to Congress. Should the Congress decide to act on any such prospective recommendations for lower cost metallic materials and combinations, there could be considerable savings to the taxpayer over time. In addition, this bill gives the Secretary flexibility in determining the quality and quantity of gold and silver bullion coins produced. The Mint has recently taken drastic but prudent measures to meet the extraordinary demand for silver and gold bullion coins and has suspended production of its proof and uncirculated versions, which are of great intrinsic value to collectors and coin enthusiasts. Going forward, the Mint will be able to simultaneously offer these higher-quality versions directly to the public while continuing to satisfy demand for bullion coins.

The second piece of legislation is H.R. 6166, the American Eagle Palladium Bullion Coin Act of 2010, which authorizes the Secretary to mint and issue a $25 palladium bullion coin, subject to the submission of a report to Congress demonstrating sufficient public demand for such coins and no resultant net cost to taxpayers. Palladium is a sought-after investment-grade precious metal whose market price is often reliably above silver and below that of gold and platinum. Other governments have issued palladium bullion coins before as investment vehicles and collector's items, and this bill lays the groundwork for the U.S. Mint to carry out a unique palladium coin program that would benefit investors and numismatists, and cost nothing to the taxpayer.

The Coin Modernization, Oversight, and Continuity Act of 2010 and the American Eagle Palladium Bullion Coin Act of 2010 have both passed the House, and will now await the signature of the President. I am pleased that these two bills were approved by this body, as they reflect sound and measured policy towards improving the state of our Nation's coinage, and thank my colleagues for their help in getting these measures adopted.

NEW START TREATY

Mrs. GILLIBRAND. Mr. President, as a member of the Senate Foreign Relations Committee, I was proud to vote for the passage of the resolution of advice and consent to the New START Treaty between Russia and the United States in the Senate Foreign Relations Committee last September. It was the right thing to do for our national security.

The most dangerous threat to America and to the world is for a terrorist organization or network to obtain a nuclear weapon. Nuclear disarmament is among the most critical steps we must take to keep our Nation and future generations safe. Ratification of the New START Treaty would reduce the number of nuclear weapons in the American and Russian arsenals, bolstering our national security by reducing the risk of loose nuclear weapons and materials falling into the hands of hostile nations or terrorist groups seeking to attack America or her allies.

Only recently, documents have revealed to the world the continuing significant risk that Pakistan's nuclear weapons could fall into the hands of terrorists. There are a number of ways for us to address and minimize this risk in Pakistan and other countries. An agreement between two nuclear leaders to reduce their stockpiles of nuclear weapons and to improve transparency and oversight is a critical factor to keeping nuclear weapons out of the hands of terrorists. By reducing the numbers of unneeded nuclear weapons in Russia, improving verification of Russian nuclear reductions, controlling and securing Russian nuclear warheads, and eliminating retired Russian delivery systems and vulnerable weapons-grade material new START would reduce the possibility that a nuclear weapon could be launched due to a terrorist attack, a misunderstanding, or a miscalculation, killing hundreds of thousands of Americans.

This continuation of a landmark agreement between our nations would be an important step in the President's efforts to convince other countries to get rid of their nuclear weapons. Countries like Ukraine have made this commitment in part due to the confidence that new START provides.

The treaty signed by President Obama and President Medvedev is sensible and it is right for our Nation's security; this is evidenced by the endorsements of several former Secretaries of Defense and State from both sides of the political aisle. I urge my colleagues in the Senate to ratify this treaty, ensuring a safer world for our children.

NOTICE OF INTENT TO OBJECT

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY, intend to object to proceeding to H.R. 5717, the Smithsonian Conservation Biology Institute Enhancement Act, for the following reasons. The Smithsonian has had well documented problems keeping up with the maintenance needs of current structures and facilities. Additionally, I have investigated Smithsonian officials in the past few years regarding inappropriate use of taxpayer funds. I would like to examine whether the Smithsonian is able to meet its current operational requirements before legislation allowing for the construction of a new facility moves through the Senate without debate or even committee consideration.

REMEMBERING IVY JOHNSON

Ms. COLLINS. Mr. President, today I wish to honor the spirit, determination, and life of Ivy Johnson. Ivy lost her long battle with cancer on Friday, November 19. Our thoughts and prayers remain with her parents, her brothers, and the rest of her family and friends.

While Ivy's many academic achievements and personal adventures will be chronicled by others, I want to focus on the Ivy we knew—the public servant—and I offer these thoughts on her life and her service to the Homeland Security and Governmental Affairs Committee.

From the start, I appreciated and respected Ivy's strong work ethic, and my trust in her judgment grew each passing day.

Ivy had a wonderful capacity to combine her knowledge of the law and understanding of policy with the practical political realities that form the foundation of the legislative process. Ivy believed in the law and that it worked to advance notable and worthy goals.

She worked with Representative ISSA's staff on the House Oversight and Government Reform Committee to identify financial support provided by the Federal Government to the Association of Community Organizations for Reform Now, or ACORN, after allegations emerged of inappropriate activity by that organization.

She provided insightful analysis on everything from judicial nominations to homegrown terrorism.

She played a critical role in the investigative work of my staff regarding the November 2009 terrorist attack at Fort Hood. She skillfully conducted investigative reviews of the government's policies relating to the reading of Miranda rights to terrorists captured in the United States.

Ivy understood that the security of our Nation and the privacy and civil liberties of Americans are not mutually exclusive. Her guidance on law enforcement and intelligence tools and techniques reflected a mature appreciation of the Constitution and laws of the United States, an understanding of the threat terrorists pose to our Nation, and a deep respect for the rights of Americans.

Her accomplishments were noteworthy in and of themselves, but they are remarkable considering the personal struggle that Ivy was waging throughout her tenure on the committee.

Shortly before joining my staff, her doctors found a tumor in her jaw. She endured multiple surgeries, numerous rounds of chemotherapy and radiation, and other difficult treatments that sapped her strength and energy.

But neither the cancer nor the treatments could destroy Ivy's determination or spirit. Ivy insisted on carrying a full workload. She was always concerned that her treatments might place additional burdens on her colleagues, and she never complained about the hand she had been dealt.

On more than one occasion, we tried to tell Ivy to stop e-mailing from her BlackBerry while she was waiting for treatments. When a particularly grueling round of treatments or an extensive surgery was on the horizon, and with everything she was undergoing at the time, Ivy thought of others and let us know she would be watching her BlackBerry if we needed her for anything.

And we often did. The trust Ivy had earned from me and my senior staff was such that we regularly sought her guidance on matters across the board. Ivy was ''a lawyer's lawyer''—even the most skilled lawyers on my staff regularly sought her thoughts on issues because her knowledge of the law and her reasoned approach to problem solving was indispensable when complex problems required careful analysis.

In her professional life, and her pain, Ivy was intensely private. Few knew how ill Ivy actually was because while she suffered, her work never did.

There are times in our lives, whether professional or personal, when we know the right person has come into our lives, and that was the case for us with Ivy. It brought a heartfelt smile to my face when Ivy's mother told me that Ivy had called her time with us her ''dream job.''

Ivy's courage and determination will continue to serve as an inspiration for all of us.

ADDITIONAL STATEMENTS

TRIBUTE TO AGNES WELCH

• Mr. CARDIN. Mr. President, today I pay special tribute to Agnes Welch, a member of the Baltimore City Council and a dedicated public servant. Councilwoman Welch, who was first elected to the Baltimore City Council in 1983, is retiring after serving her community and her city in the council for almost three decades.

Councilwoman Welch has always been attuned to the needs of her west Baltimore community and loyal to her faith. She has been a trailblazer for women, African Americans, and her constituents. Her committee work in the city council helped shape the renaissance of Baltimore's downtown and the redevelopment of its neighborhoods. Her work with not-for-profit organizations and city agencies has created new opportunities for child care, family health care, better schools, and senior housing. Councilwoman Welch's work with the Catholic Archdiocese has improved the Church's outreach to and accommodation for people of color and it has improved services for the neighborhoods and communities surrounding the churches. As a result of her outstanding service and dedication to the church, she received the Papal Medal ''pro ecclesia et pontifice'' from Pope John Paul II.

Legislatively, Councilwoman Welch has demonstrated her concern for the welfare of her constituents, particularly those people living in poverty. She sponsored legislation which created the framework for addressing homelessness. Another legislative proposal funded a study into the increase in teenage homicides. Most recently, she introduced legislation to establish a Task Force on Childhood Obesity.

Councilwoman Agnes Welch has been an outstanding public servant, working selflessly, tirelessly, and effectively on behalf of others. I ask my colleagues to join me today in thanking Councilwoman Welch for her dedication to her community and constituents, and in wishing her well in her retirement.•

TRIBUTE TO TOM MONAHAN

• Mr. LIEBERMAN. Mr. President, today, I would like to celebrate the extraordinary career of newsman Tom Monahan, who, after 40 years of political reporting for NBC Connecticut, is semi-retiring. I first came to know Tom in the early seventies when he covered me in the Connecticut General Assembly, and I have greatly admired his work and personality ever since.

Tom is a native of Bristol, CT, who began his career in broadcast radio. He started reporting sports when he first joined NBC CT, and then graduated through the ranks to eventually become the station's chief political reporter and one of Connecticut's very finest.

Much can be said about Tom's skill as a journalist, but his integrity immediately comes to mind. Edward R. Murrow, the great television broadcaster, once said ''we cannot make good news out of bad practice,'' and Tom's career surely embodied that principle. At a time when journalism is increasingly defined by attacks and negativity, Tom represents something of the ''old guard'' fact-driven reporting meant to inform and educate. He was always interested in getting the story out, but not interested in ''getting'' the public official who was part of the story. For so many years, the people of Connecticut who watched him came to rely on him for his truthfulness, and in the end many of us who were privileged to be in public life during his career wanted to help him get the story because we had such respect for and confidence in him.

I have so many memories from over the years with Tom, but one stands out above the others. I remember the morning in August 2000 when Vice President Gore announced that he had selected me to be his Vice Presidential running mate. I was in my house in New Haven, CT, and the number of satellite and TV trucks outside began to grow, in effect barricading me in. The Gore campaign team flew in from Nashville and my new press secretary said to me in my kitchen, ''Sir, the initial reaction to Vice President Gore's selecting you as his running mate has been tremendous and, if you speak to the press outside, you can only detract

from the positive coverage we're getting.'' As we walk out the side door to head to the airport, who, of course, was standing right there but Tom Monahan. Needless to say, I went over and spoke to Tom—how was I not to?

As I reflect on Tom's career, I cannot help but think how much he will be missed, and how grateful Connecticut should be for the invaluable service he provided us. We are undoubtedly better off for having had Tom Monahan as a reporter. I wish him and his wonderful family my very best as he moves on to an exciting new chapter in his life.●

REMEMBERING ROBBINS BARSTOW

● Mr. LIEBERMAN. Mr. President, I wish to honor the life and work of Robbins Barstow of Hartford, CT, a great filmmaker, conservationist, and dedicated member of the community.

Robbins Barstow has come to hold a special place in the hearts and minds of thousands of families across the country through the tender and illuminating documentary films he produced over the years. Mr. Barstow captured the lives and aspirations of ordinary people in mid-century America, most famously in his film ''Disneyland Dream'' which the Library of Congress included in its National Film Registry for its cultural and artistic significance, calling it a ''priceless and authentic record of time and place.''

Mr. Barstow brought a similar sensitivity and talent to his professional work with the Connecticut Education Association, where he worked tirelessly on behalf of teachers and public schools across our state. Mr. Barstow believed deeply in the power of education to transform our country and the world, and he dedicated so much of his life to ensuring that our teachers got the respect and acknowledgement that they so greatly deserve.

I also admired Mr. Barstow deeply for his extraordinary efforts as a conservationist. He held a special interest in whales and brought his interest and passion for the environment and natural world to founding Cetacean Society International, a conservation, education, and research organization with ties to over 25 nations. Mr. Barstow made a number of films about endangered species that will continue to inform us of the importance of conservation and inspire future conservationists for years to come.

The State of Connecticut and our Nation more broadly are blessed to have leaders like Robbins Barstow in our communities. He will be deeply missed and his important contributions and unforgettable spirit will never fade from our memory. My thoughts and prayers are with the entire Barstow family: his wife Margaret, his children David, Dan, and Cedar, his grandchildren, and great-grandchild.●

TRIBUTE TO DR. MILO SHULT

● Mr. PRYOR. Mr. President, today I honor an Arkansan for his contribution to Arkansas and our Nation. Dr. Milo Shult served as vice president of the University of Arkansas's Division of Agriculture for the past 18 years, improving living conditions for many Arkansans and Americans. After so many years of service, he has decided to step down from his position and move to the next chapter of his life. He leaves behind a positive, lasting legacy. While he is stepping down from his current position with the university, he will undoubtedly continue to play an active role in promoting agriculture and enhancing the lives of Americans.

The Division of Agriculture at the University of Arkansas, which was headed by Dr. Shult, plays an integral role in improving the lives of individuals all over the State and Nation through its work on campus and in the field. The mission of the division is to enrich the lives of neighbors by drawing on what is learned from research and using outreach skills. They meet this mission by maintaining a strong presence throughout Arkansas, which is critical given the importance of agriculture to our economy and way of life. Agriculture contributes 12 percent of Arkansas's gross State product and is responsible for more than one in every six jobs in the State. We are proud to be ranked in the top 25 among States in the production of 24 agricultural commodities, and we rank in the top 5 for rice, broilers, upland cotton, cottonseed, catfish, turkeys, and sweet potatoes.

Becoming such a successful and diverse agriculture State requires an active research and extension service that is innovative and resourceful. Dr. Shult developed a solid division system that currently employs cooperative extension faculty in all 75 counties; agricultural experiment station scientists and extension specialists on 5 university campuses and at 5 research and extension centers; and support personnel at 8 research stations. These employees provide Arkansans with informational resources related to agriculture production and processing; environment, energy and climate; family and youth programs; access to safe and nutritious foods; and community development. These resources serve as tools to positively impact lives and communities in Arkansas and make our Nation and world better.

While vice president of the Division of Agriculture, Dr. Shult exhibited excellent leadership ability moving the division forward. Dr. Shult possessed exemplary skill in working with stakeholders and building relationships while executing the division's programs consistent with its mission. The division grew and prospered under his leadership, and it stands poised to meet the many challenges and needs of the 21st century. During his tenure, Dr. Shult oversaw the development of over $72 million in new construction and facility upgrades, including new construction or improvements to every Research Station and Research and Extension Center across the State. Today these facilities are state of the art and the envy of other States and nations. With Dr. Shult at the helm, the division kept with the times and always planned for the future by turning challenges into opportunity. He leaves behind an improved division and an improved State with a vision of where it needs to go to meet future challenges.

While I and others will certainly miss Dr. Shult's work at the division, I am excited to know he will remain active in agriculture research, extension and education. Dr. Shult was recently appointed to the National Agricultural Research, Extension, Education and Economics Advisory Board. In this position, Dr. Shult will advise the Secretary of the U.S. Department of Agriculture and land-grant colleges and universities on top national priorities and policies for food and agricultural research, education, extension, and economics. This is a huge compliment to Dr. Shult and is a result of his efforts at the University of Arkansas. He will provide outstanding leadership on the board, and I am sure he will bring a unique perspective that is needed and desired.

Dr. Milo Shult is an inspiration and a proven leader of people and organizations. He is a family man with many friends and associates. I have enjoyed working with him in my capacity as U.S. Senator, and I know the entire Arkansas congressional delegation is appreciative of his kindness and genuine efforts. His passion, leadership, and influence greatly increased the readiness and effectiveness of the University of Arkansas's Division of Agriculture. I appreciate his service to the people of Arkansas, and I wish him well in his continued service to our country.●

RECOGNIZING STERLING ROPE COMPANY

● Ms. SNOWE. Mr. President, American manufacturers have faced a variety of persistent challenges over the past several decades, including competition from foreign markets and rising structural costs. Nonetheless, the manufacturing industry remains resilient in the United States. The sector still supports roughly 18.6 million jobs in the United States, or approximately one-sixth of all private sector jobs, and American manufacturing produces $1.6 trillion of value every year equaling 11 percent of U.S. gross domestic product. And just yesterday, we got word from the Institute for Supply Management, or ISM, that November marked the 16th straight month of positive growth for American manufacturing. And so, today I recognize one of Maine's remarkable small manufacturing companies, Sterling Rope Company, which has been producing high quality rope for more than a decade and a half.

Sterling Rope got its beginnings in 1993, when president and founder Carolyn Brodsky opened her business in Massachusetts. By 1997, Ms. Brodsky

decided to relocate her firm to Maine for a number of reasons, including our State's high-skilled workforce and quality of life. Over the past 13 years, Sterling Rope has grown in size, moving from its original Maine location in Scarborough to a larger facility in Saco, before settling at its present location in the Biddeford Industrial Park.

The company manufactures rope for a plethora of activities an uses, including climbing, rope rescue, and industrial safety. In particular, Sterling Rope prides itself as a leader in the advancement and production of life safety rope and cord. One of the company's products, the FireTech 32, is the direct result of its partnership with New York City's Fire Department, which provided Sterling with feedback on how to best construct the rope. The FireTech 32 is now FDNY's official escape rope. Indeed, the firm is noted for its exceptionally creative and collaborative product development. The company has created a Sterling Athletes Team, which is a collection of expert climbers from around the world that test Sterling's products and provided critical feedback for the company.

Additionally, Sterling helps promote and support a variety of climbing events and philanthropic efforts on its multifaceted Web site. One inspiring event that Sterling has publicized is the Climb for Cancer Cure, a mountain-climbing fundraiser held each summer since 2006 to raise both funds and awareness for people suffering because of cancer. All of the money raised from the climbs goes to help comfort cancer patients at the Marshall L. and Susan Gibson Pavilion at Maine Medical Center in Portland, by donating amenities like CD and DVD players. Climb for Cancer Cure also provides family members with baskets containing gift cards to help them defray the costs associated with visiting their loved ones, such as for lodging and gas. I thank Sterling Rope for recognizing this tremendous initiative.

Sterling Rope is a prime example of a leading manufacturing company in my home State that is dedicated to making quality products and providing responsiveness to its customers. I am proud that Carolyn Brodsky moved her company to Maine nearly a decade and a half ago, and I hope she continues to expand her extraordinary operations. I thank her and everyone at Sterling Rope Company for their hard work, and wish them continued success.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

The President pro tempore (Mr. INOUYE) reported that he had signed the following enrolled bills, which were previously signed by the Speaker of the House:

H.R. 6162. An act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

At 3:28 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6473. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

At 4:45 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 bill, without amendment:

S. 3307. An act to reauthorize child nutrition programs, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6469. An act to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes, with an amendment.

ENROLLED BILLS SIGNED

At 6:21 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks announced that the Speaker has signed the following enrolled bills:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

H.R. 4387. An act to designate the Federal building located at 100 North Palafox Street in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''.

H.R. 5283. An act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5651. An act to designate the Federal building and United States courthouse located at 515 9th Street in Rapid City, South Dakota, as the ''Andrew W. Bogue Federal Building and United States Courthouse''.

H.R. 5706. An act to designate the building occupied by the Government Printing Office located at 31451 East United Avenue in Pueblo, Colorado, as the ''Frank Evans Government Printing Office Building''.

H.R. 5773. An act to designate the Federal building located at 6401 Security Boulevard in Baltimore, Maryland, commonly known as the Social Security Administration Operations Building, as the ''Robert M. Ball Federal Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

ENROLLED BILL SIGNED

At 8:51 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks announced that the Speaker has signed the following enrolled bill:

H.R. 4783. This Act may be cited as ''The Claims Resettlement Act of 2010''.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6469. An act to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8295. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Air Force and was assigned case number 09–03; to the Committee on Appropriations.

EC–8296. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Deposit Insurance Regulations; Unlimited Coverage for Noninterest-Bearing Transaction Accounts'' (RIN3064–AD65) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8297. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Belarus Sanctions Regulations'' (31 CFR Part 548) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–8298. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled ''Audit of the Exchange Stabilization Fund's Fiscal Years 2009 and 2008 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–8299. A communication from the Assistant Secretary of Land and Minerals Management, Bureau of Ocean Energy Management, Regulation, and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Renewable Energy Alternate Uses of Existing Facilities on the Outer Continental Shelf—Acquire a Lease Noncompetitively'' (RIN1010–AD71) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Energy and Natural Resources.

EC–8300. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting,

pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for Santa Ana Sucker'' (RIN1018–AW23) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Energy and Natural Resources.

EC–8301. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Vermilion Darter'' (RIN1018–AW52) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC–8302. A communication from the Chief, Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Polar Bear (Ursus maritimus)'' (RIN1018–AW56) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Environment and Public Works.

EC–8303. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Salvage Discount Factors for 2010'' (Rev. Proc. 2010–50) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC–8304. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Unpaid Loss Discount Factors for 2010'' (Rev. Proc. 2010–49) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC–8305. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance on In-Plan Roth Rollovers'' (Notice 2010–84) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC–8306. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Funding Relief for Multiemployer Defined Benefit Plans Under Pension Relief Act 2010'' (Notice 2010–83) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC–8307. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Branded Prescription Drug Sales'' (Notice 2010–71) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC–8308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2010 National Pool'' (Notice 2010–74) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Finance.

EC–8309. A communication from the Program Manager, Center for Medicaid, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership'' (RIN0938–AQ40) received in the Office of the President of the Senate on December 1, 2010; to the Committee on Finance.

EC–8310. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on the Child Support Enforcement Program for fiscal year 2008; to the Committee on Finance.

EC–8311. A communication from the Principal Deputy Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to Canada related to design, manufacture, and delivery of the Anik G1 Commercial Communication Satellite in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–8312. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; General and Plastic Surgery Devices; Classification of Tissue Adhesive with Adjunct Wound Closure Device Intended for Topical Approximation of Skin'' (Docket No. FDA–2010–N–0512) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–8313. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection'' (RIN1212–AB21) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–8314. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on November 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–8315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–595 ''Pre-k Acceleration and Clarification Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8316. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–596 ''University of the District of Columbia Board of Trustees Quorum and Contracting Reform Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8317. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–160 ''Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8318. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Correction of Administrative Errors'' (5 CFR Part 1605) received in the Office of the President of the Senate on November 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8319. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Agency's Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8320. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8321. A communication from the Secretary of the Department of Veterans Affairs, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8322. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Department of Labor for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8323. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs:

Report to accompany S. 2802, a bill to settle land claims within the Fort Hall Reservation (Rept. No. 111–356).

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with amendments:

S. 3817. A bill to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

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. COLLINS:

S. 4000. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WEBB (for himself and Mr. THUNE):

S. 4001. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Centennial of Marine Corps Aviation, and to support construction of the Marine Corps Heritage Center; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING:

S. 4002. A bill to require the Secretary of Agriculture to issue expeditiously special use permits regarding the use of houseboats on Laurel Lake in the Daniel Boone National Forest in the State of Kentucky, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT (for himself and Mrs. MCCASKILL):

S. 4003. A bill to authorize the International Trade Commission to develop and recommend legislation for temporarily suspending duties and for other purposes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 4004. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities and for other purposes; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself and Mr. CORNYN):

S. 4005. A bill to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 692. A resolution congratulating the San Francisco Giants on winning the 2010 World Series Championship; to the Committee on Commerce, Science, and Transportation.

By Mr. WEBB (for himself, Mr. MCCAIN, Mr. BOND, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. LIEBERMAN, Mr. RISCH, Mr. SCHUMER, Mr. MENENDEZ, Mr. LUGAR, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. WICKER, Mr. AKAKA, Mr. INOUYE, Mr. WARNER, Mr. KYL, Mr. GREGG, Mr. LEMIEUX, Mr. ISAKSON, Mr. CASEY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mrs. MCCASKILL, Mr. TESTER, and Mr. DURBIN):

S. Res. 693. A resolution condemning the attack by the Democratic People's Republic of Korea against the Republic of Korea, and affirming support for the United States-Republic of Korea alliance; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3237

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3237, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 3255

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3255, a bill to amend title XVIII of the Social Security Act to provide coverage for custom fabricated breast prostheses following a mastectomy.

S. 3756

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3773

At the request of Mr. MCCONNELL, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3773, a bill to permanently extend the 2001 and 2003 tax relief provisions and to provide permanent AMT relief and estate tax relief, and for other purposes.

S. 3853

At the request of Mr. CARPER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3853, a bill to modernize and refine the requirements of the Government Performance and Results Act of 1993, to require quarterly performance reviews of Federal policy and management priorities, to establish Chief Operating Officers, Performance Improvement Officers, and the Performance Improvement Council, and for other purposes.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3950

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3950, a bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011.

S. 3984

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3984, a bill to amend and extend the Museum and Library Services Act, and for other purposes.

S. 3990

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Florida (Mr. LEMIEUX), the Senator from Maine (Ms. SNOWE), and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3990, a bill to extend emergency unemployment benefits without adding to the Federal budget deficit, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 4000. A bill to provide for improvements to the United States Postal Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise today to introduce The U.S. Postal Service Improvements Act of 2010. This bill would help the U.S. Postal Service regain its financial footing as it adapts to the era of increasingly digital communications.

The storied history of the Postal Service predates our Constitution. In 1775, the Second Continental Congress appointed Benjamin Franklin as the first Postmaster General and directed the creation of a line of postsfrom Falmouth in New England to Savannah in Georgia. The Constitution also gives Congress the power to establish post offices and post roads.

Today, the Postal Service is the linchpin of a $1 trillion mailing industry that employs approximately 7.5 million Americans in fields as diverse as direct mail, printing, catalog companies, paper manufacturing, and financial services.

Postal Service employees deliver mail 6 days a week to hundreds of millions of households and businesses. From our largest cities to our smallest towns, from the Hawaiian Islands to Alaskan reservations, the Postal Service is a vital part of our national communications network and an icon of American culture.

But the financial state of the Postal Service is abysmal. The numbers are grim: the Postal Service recently announced that it lost $8.5 billion in fiscal year 2010. The Great Recession, high operating costs, and the continuing diversion of mail to electronic alternatives have challenged the Postal Services ability to remain financially viable.

Faced with this much red ink, the Postal Service must reinvent itself. It must increase revenues by increasing its value to its customers and by becoming more cost effective.

Unfortunately, many of the solutions the Postal Service has proposed would only aggravate its problems. Filing for enormous rate increases, pursuing significant service reductions including elimination of Saturday mail delivery and seeking relief from funding its liabilities are not viable long-term solutions to the challenges confronting the Postal Service. These changes will drive more customers to less expensive, digital alternatives. That downturn in customers will further erode mail volume and accelerate a death spiral for the Postal Service.

The Postal Service must chart a new course in this digital age. It must adopt a customer-focused culture. It must see the changing communications landscape as an opportunity.

The Postal Accountability and Enhancement Act of 2006, which I authored, provides the foundation for these long-term changes, but the Postal Service has been slow to take advantage of some of the flexibilities afforded by that law. And, to be fair, the Postal Service has encountered problems not of its making, such as a severe recession.

The legislation that I introduce today would help the Postal Service achieve financial stability and light the way to future cost savings without undermining customer service.

One area the legislation would help address is the more than $50 billion that the Postal Regulatory Commission estimates the Postal Service has overpaid into the Civil Service Retirement System, CSRS, and the nearly $3 billion it has overpaid into the Federal Employees Retirement System pension fund. It is simply unfair both to the Postal Service and its customers not to refund these overpayments.

To address these inequities, the bill would allow the Postal Service to access amounts that it has overpaid into these pension funds. The Postal Service must be permitted to use these funds to address other financial obligations, like its payments for future retiree health benefits and unfunded workers compensation liabilities and for repaying its existing debt.

I have pressed the Office of Personnel Management, OPM, to change its calculation method for Postal Service payments into the CSRS fund consistent with the 2006 Postal Reform law. OPM officials, however, stubbornly refuse to change this methodology or even to admit that the 2006 postal law permits them to do so. This has created a bureaucratic standoff that is unfair to the Postal Service. The OPM holds the life preserver it could help rescue the Postal Service, but it simply refuses to throw it.

This legislation would direct the OPM to exercise its existing authority under the 2006 postal reform law and to revise its methodology for calculating the Postal Services obligations to the CSRS pension fund. Once OPM exercises this authority, my legislation would allow the Postal Service to use any resulting overpayments to cover its annual payments into the Retiree Health Benefits Fund, rather than having to wait until after September 30, 2015, to access the CSRS overpayment.

Additionally, the legislation would allow the Postal Service to access the nearly $3 billion it has overpaid into the Federal Employees Retirement System, FERS, pension fund. The legislation would grant OPM this authority by adopting language, similar to section 802(c) of the 2006 postal reform law, that allows OPM to recalculate the methodology governing Postal Service payments into the FERS pension fund.

As with the CSRS overpayment, the Postal Service would be permitted to use the FERS overpayment to meet its statutory obligations to the Retiree Health Benefits Fund. These fund transfers would greatly improve the Postal Services financial condition.

If the CSRS and FERS overpayment amounts are sufficient to fully fund the Postal Services obligations to the Retiree Health Benefits Fund, this legislation would allow the Postal Service to pay its workers compensation liabilities, which top $1 billion annually. The Postal Service may also choose to use these funds to pay down its existing debt, which currently is $12 billion.

Second, the legislation would improve the Postal Services contracting practices and help prevent the kind of ethical violations recently uncovered by the Postal Service inspector general.

Several months ago, I asked the Postal Service inspector general to review the Postal Services contracting policies. The findings of these inspector general audits were shocking. The IG found stunning evidence of costly contract mismanagement, ethical lapses, and financial waste.

In its review of the Postal Services contracting policies, the IG discovered no-bid contracts and examples of apparent cronyism. The Postal Services contract management did not protect it from waste, fraud, and abuse. Indeed, it left the door wide open.

As a result, the Postal Service could not even identify how many contracts were awarded without competition. Of the no-bid contracts the IG reviewed, 35 percent lacked justification.

In one of the more egregious examples of waste and abuse, the IG discovered that more than 2,700 contracts had been awarded to former employees since 1991. Looking at the past 3 years, the IG found that 359 were awarded as no-bid contracts. And 17 of those noncompetitive contracts went to career executives within 1 year of their separation from the Postal Service.

Additionally, some former executives were brought back at nearly twice their former pay to advise newly hired executives—an outrageous practice that the IG said raised serious ethical questions, hurt employee morale, and tarnished the Postal Services public image. In one example, an executive received a $260,000 no-bid contract in July 2009, just 2 months after retiring. The purpose: to train his successor.

My legislation would help remedy many of the contracting issues the IG identified. Specifically, the bill would direct the Postmaster General to establish a competition advocate, responsible for reviewing and approving justifications for noncompetitive purchases and for tracking the level of agency competition. The competition advocate also would be required to submit an annual report on Postal Service procurement to the Postmaster General, the Board of Governors, the Postal Regulatory Commission, and the Congress.

To improve transparency and accountability, the bill also would require the Postal Service to publish justifications of noncompetitive contracts greater than $150,000 on its Web Site. This transparency would improve the Postal Services contracting practices and promote competition.

To resolve the ethical issues documented by the IG, the bill would limit procurement officials from contracting with closely associated entities. It also would require the Postal Services ethics official to review any ethics concerns that the contracting office identifies prior to awarding a contract.

Third, the legislation includes several provisions that would enhance efficiency and reduce costs. The Postal Service has made efforts to reduce costs over the past several years. But more must be done.

One area where improvements can be made is in the consolidation of area and district offices. The IG found that the Postal Services regional structure—eight area offices and 74 district offices costing approximately $1.5 billion in fiscal year 2009—has significant room for consolidation. My bill would require the Postal Service to create a comprehensive strategic plan to guide consolidation efforts—a road map for future savings.

The bill would also require the Postal Service to develop a plan to increase its presence in retail facilities, or co-locate, to better serve customers. Before co-location decisions could be made, however, the bill would direct the Postal Service to weigh the impact of any decision on small communities and rural areas. Moreover, the Postal Service would be required to solicit community input before making decisions about co-location and to ensure that co-location does not diminish the quality of service.

Fourth, the bill includes a provision that would require the arbitrator to consider the Postal Services financial condition when rendering decisions about collective bargaining agreements. This logical provision would allow critical financial information to be weighed as a factor in contract negotiations.

Finally, the bill would reduce workforce-related costs government-wide by converting retirement eligible postal and federal employees on workers compensation to retirement when they reach retirement age. This is a commonsense change that would significantly reduce expenses that both the Postal Service and the Federal Government cannot afford to sustain.

In fiscal year 2010, the Department of Labor paid approximately $2.7 billion to employees on workers compensation. This includes approximately $1 billion in workers compensation benefits to postal employees. More than 8,600 of postal employees covered by workers compensation are over the age of 55. The Department of Labor indicates that Federal employees across the government are receiving workers compensation benefits into their 80s, 90s, and even 100s. At the Postal Service alone, more than 1,000 employees currently receiving workers compensation benefits are 80 years or older. Incredibly, 132 of these individuals are 90 years of age and older and there are three who are 98.

The Postal Service is at a crossroads; it must choose the correct path. It must take steps toward a bright future.

It must reject the path of severe service reductions and huge rate hikes, which will only alienate customers.

The Postal Service must reinvent itself. It must embrace changes to revitalize its business model, enabling it to attract and keep customers. The U.S. Postal Service Improvements Act of 2010 will help spark new life into this institution, helping it evolve and maintain its vital role in American society.

By Mr. ENSIGN (for himself, Mr. LIEBERMAN, and Mr. BROWN of Massachusetts):

S. 4004. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities and for other purposes; to the Committee on the Judiciary.

Mr. ENSIGN. Mr. President, I rise today to address a new and very serious threat to our national security.

In July of this year, the organization known as WikiLeaks, led by an Australian citizen named Julian Assange, published 90,000 classified intelligence documents related to our efforts in the ongoing war against the Taliban insurgents and al-Qaida in Afghanistan.

In October, WikiLeaks dumped 400,000 classified documents that revolved around the efforts of our Nation and our coalition partners to bring democracy, peace, and stability to the people of Iraq.

Now, just a few days ago, WikiLeaks has dumped another 250,000 documents that reveal private, often personal, communications between diplomats and heads of state—communication that is necessary for the critical discourse that occurs between governments on the many relevant and challenging international issues of our day.

In light of the damage that has already been done and the continuing threat posed by WikiLeaks, I am here to introduce a bill that will help defend our national interests, protect our troops, and provide assurance to our friends and allies that what they say to us in private will stay with us, and that there will be consequences for the reckless actions taken by WikiLeaks, or others, who may attempt to do what they have done—consequences that are consistent with our values and with our first amendment.

Let me spend a few moments examining the nature of this threat and some of the serious implications.

After WikiLeaks dumped 400,000 classified documents concerning our efforts to promote democracy in Iraq, Pentagon spokesman Geoffrey Morrell stated the Department of Defense had to scramble to notify 300 Iraqis because we were immediately concerned about their safety. He went on to say that as many as 60,000 Iraqis could possibly be identified in these leaked documents.

Let us consider the plight of those Iraqis just for a moment. These individuals came forward to us with information that they felt would help their government deal with the insurgency and terrorist presence that has been an impediment to peace and stability within their nation. Yet this despicable character, Julian Assange, has rewarded their bravery by naming them to their enemies. This puts their very lives and the lives of their families in jeopardy. This discourages other Iraqis from coming forward and standing up for freedom.

This, in turn, jeopardizes the lives of our American troops and harms our efforts to provide stability in Iraq to the point where we can withdraw our troops.

Unfortunately, if Iraqis become afraid to speak out against the terrorists in their midst for fear of being named by Julian Assange, succeeding becomes that much more difficult.

Let's turn to Afghanistan. Back in July, I read in the Times of London a very interesting assessment about the implication of Mr. Assange's actions. Let me quote:

> Hundreds of Afghans' lives have been put at risk by the leaking of 90,000 intelligence documents because the files identify informants working with NATO forces.

Let me quote again from the Times:

> In just two hours of searching the WikiLeaks archive, the Times found the names of dozens of Afghans credited with providing detailed intelligence to U.S. forces. Their villages are given for identification and also, in many cases, their fathers' names.

To the credit of the Times, they cited examples to back up their claims. But as any responsible media organization should, they at least, in their report, took the steps of hiding the names of the villagers who came forward with information to assist their government and NATO.

Madam President, just as WikiLeaks recklessly dumped the leaked intelligence on Afghanistan, a Taliban spokesperson gave an interview in which he said:

> We are studying the report. . . .We will investigate through our own secret service whether the people mentioned are really spies working for the U.S. If they are U.S. spies, then we know how to punish them.

I don't think I need to elaborate on how the Taliban punishes their enemies.

Now we have this latest dump of classified State Department cables and information. I applaud our former colleague, Secretary Clinton, for the excellent remarks she has made on this issue. She pointed out that the leaks have put people's lives in danger, threatened our national security, and undermined our efforts to work with other countries to solve shared problems.

An essential dialog takes place between nations—a dialog that has existed since nations first began. With that dialog, diplomats need to be able to express their views candidly and, yes, privately. This is how a lot of problems are solved.

Our Nation is working toward international solutions to some very complex problems. The Government of Yemen is fighting terrorists that reside within their own borders. The proliferation of nuclear weapons technology and the threat of long-range missiles in North Korea are problems that require multilateral international engagement.

Secretary Clinton made another point I will focus on for a moment. Assange didn't just leak classified details about meetings between diplomats. Our diplomats overseas meet with local human rights workers, journalists, religious leaders, and others—people with unique insight into a wider range of issues.

Unfortunately, we live in a dangerous world where revealing the identity of someone fighting for social issues, such as women's rights or children's rights or the identity of an advocate for religious freedom could have serious repercussions that include imprisonment, torture, or even death.

I wonder if WikiLeaks understands if Afghan villagers or activists fighting for human rights under oppressive regimes are killed as a result of being named in these leaks, the blood of these good people is on their hands.

Before I proceed with an examination of the bill that I have crafted to address this threat, let's be clear about some things. No one should do Julian Assange any credit by referring to him as a journalist or as part of the news media. He is a computer hacker and an anarchist.

True to his hacker roots, he has devised a portal through which he hopes members of our government will anonymously and surreptitiously provide him unfettered access to our closest secrets.

Make no mistake, these actions have harmed our friends and helped our enemies in a manner prejudicial to the safety and national interest of the United States.

So with this threat in mind, a threat that the Founders could have never seen coming, we have crafted a bill that amends the Espionage Act, specifically Title 18, Section 798.

Under current law, it is a criminal act for someone who knowingly and willfully communicates, furnishes, transmits, publishes, or otherwise makes available to any unauthorized person any classified information concerning the communication intelligence activities of our United States of America.

My bill, which we are introducing today, extends this protection currently afforded to the communications intelligence to human intelligence, known as HUMINT. This bill protects human intelligence sources and methods. I want to be very clear. It is my opinion that we can go after Julian Assange under the current statute. But what our legislation does is updates this decades-old statute to address this evolving threat prospectively.

I have no doubt that Assange is going to put out another document dump on

his Web site and another one after that. Once he does, this bill would give the administration increased flexibility to deal with him and potentially other copycat organizations that aspire to his likeness.

There are a couple of concerns I want to address. First, one might wonder how this bill stands with our first amendment. While I hope we can all agree that Julian Assange is no journalist, some might wonder if the amended law that would result from this bill could be applied to the news media. It is pretty frustrating for the intelligence community when communications intelligence sources and methods are blown.

When this happens, sources of vital intelligence dry up or become inaccessible, and potentially millions of defense dollars go down the drain. However, despite the serious consequences associated with losing a communications intelligence source or method, and the damage that does to our national security, no Presidential administration has ever prosecuted a member of the news media under the existing statute, which has been on the books since 1951.

Let's face it, leaks do happen. As Secretary Gates stated just a few days ago, regrettably, our government leaks classified information like a sieve. This bill does not stop anybody from publishing leaks, but it does provide legal incentive to Julian Assange to do what Amnesty International has repeatedly asked him to do: be more responsible about how classified leaks are handled by not revealing the identity of these classified human intelligence sources.

Let me be clear. This bill doesn't target journalists. Instead, it provides flexibility for the Attorney General with a targeted solution and increased flexibility to deal with WikiLeaks.

Some might be wondering whether Julian Assange, who is a foreign citizen, can be prosecuted under the Espionage Act. In fact, the courts long ago established that he can be prosecuted under these statutes.

I am not a lawyer, but if you study the United States v. Zehe from 1986, it becomes immediately clear that Assange can be prosecuted under the Espionage Act.

That said, my concern is that our existing laws may have some loopholes through which he can escape. In fact, just a few days ago in the Washington Post, I read where Attorney General Holder said:

> To the extent that there are gaps in our laws . . . we will move to close those gaps.

Well, I submit that the bill I am introducing today, with a couple of others, will do just that. It closes a gap in our laws and it moves to protect vital human intelligence sources and methods consistent with the manner in which current law communications intelligence is already protected.

I thank Senators LIEBERMAN and BROWN of Massachusetts for joining me in this important legislation and for the input Senators LIEBERMAN and BROWN of Massachusetts have given me on this important legislation.

I hope we can take up this bill, consider it, work with the administration, work with the House, and pass this important legislation so the next time, and we know there will be a next time, that Julian Assange and his associates leak classified intelligence that puts people's lives in danger, we can actually have another tool in the arsenal so our Department of Justice can go after these despicable people.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 692—CONGRATULATING THE SAN FRANCISCO GIANTS ON WINNING THE 2010 WORLD SERIES CHAMPIONSHIP

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. RES. 692

Whereas on November 1, 2010, the San Francisco Giants defeated the Texas Rangers by a score of 3-1 in game 5 to win the 2010 World Series and become champions of Major League Baseball;

Whereas this is the first championship the San Francisco Giants have won since the Giants came to San Francisco from New York in 1958;

Whereas this is the sixth World Series title in the history of the Giants franchise;

Whereas the 2010 Giants acted with determination and teamwork as they emerged victorious from the fiercely contested National League Western Division;

Whereas during the National League playoffs, the Giants unleashed their arsenal of overpowering starting pitching, unflappable relief pitching, steady defense, and timely hitting to defeat the Atlanta Braves and the two-time defending National League champions, the Philadelphia Phillies, en route to capturing their first pennant since 2002;

Whereas, although there is no one superstar on the roster, the Giants are a group of self-described ''castoffs and misfits'' that truly exemplify what it means to be a team;

Whereas all 25 players on the playoff roster should be congratulated, including World Series Most Valuable Player Edgar Renteria, as well as, Jeremy Affeldt, Madison Bumgarner, Matt Cain, Santiago Casilla, Tim Lincecum, Javier Lopez, Guillermo Mota, Ramon Ramirez, Sergio Romo, Jonathan Sanchez, Brian Wilson, Buster Posey, Eli Whiteside, Mike Fontenot, Aubrey Huff, Travis Ishikawa, Freddy Sanchez, Pablo Sandoval, Juan Uribe, Pat Burrell, Cody Ross, Aaron Rowand, Nate Schierholtz, and Andres Torres;

Whereas Managing General Partner Bill Neukom, General Manager Brian Sabean and Manager Bruce Bochy did a tremendous job putting together the 2010 San Francisco Giants team and guiding them to the 2010 World Series;

Whereas San Francisco is a city with a rich baseball tradition where players such as Willie Mays, Willie McCovey, Orlando Cepeda, Juan Marichal, Gaylord Perry, and Joe DiMaggio have displayed the prodigious skills that would eventually take them to the National Baseball Hall of Fame in Cooperstown, New York; and

Whereas Giants fans who have been ever loyal, supporting the team from China Basin to Coogan's Bluff, can once again call their baseball team world champions: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the San Francisco Giants on winning the 2010 World Series Championship; and

(2) commends the fans in California, across the country, and around the world for their unremitting support of the Giants.

SENATE RESOLUTION 693—CONDEMNING THE ATTACK BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AGAINST THE REPUBLIC OF KOREA, AND AFFIRMING SUPPORT FOR THE UNITED STATES-REPUBLIC OF KOREA ALLIANCE

Mr. WEBB (for himself, Mr. MCCAIN, Mr. BOND, Mr. INHOFE, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. MENENDEZ, Mr. LUGAR, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. WICKER, Mr. AKAKA, Mr. INOUYE, Mr. WARNER, Mr. KYL, Mr. GREGG, Mr. LEMIEUX, Mr. ISAKSON, Mr. CASEY, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mrs. MCCASKILL, Mr. TESTER, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 693

Whereas Yeonpyeong Island is located in the Yellow Sea (West Sea) about 50 miles west of the city of Incheon and is inhabited by more than 1,000 citizens and military personnel from the Republic of Korea;

Whereas the United Nations Command established the Northern Limit Line in 1953, marking the line of military control between the Democratic People's Republic of Korea and the Republic of Korea;

Whereas, on November 23, 2010, the Republic of Korea military conducted military exercises in the Yellow Sea (West Sea) on the southern side of the Northern Limit Line;

Whereas, on that day, North Korea military forces fired approximately 170 artillery shells at Yeonpyeong Island, resulting in military and civilian casualties, including the death of 2 marines and 2 civilians from the Republic of Korea;

Whereas North Korea's shelling caused widespread damage to military installations and civilian property;

Whereas North Korea's attack against South Korea infringes upon the commitments made in the Korean War Armistice Agreement of 1953 that oblige military commanders to ''order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control'';

Whereas this attack also violates United Nations Security Council Resolution 1695 (2006), which emphasizes the need for North Korea ''to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts'';

Whereas this brazen attack is one in a series of actions by the Government of North Korea that undermine regional peace and security, especially on the Korean peninsula;

Whereas this attack follows the March 26, 2010, torpedo attack by the Government of North Korea against the Republic of Korea ship CHEONAN, which resulted in the death of 46 sailors from the Republic of Korea Navy;

Whereas this attack also follows the revelation that the Government of North Korea has constructed a uranium enrichment facility at the Yongbyon nuclear site in clear violation of United Nations Security Council Resolutions 1718 (2006) and 1874 (2009);

Whereas this attack and the trend of continued provocation by the Government of North Korea reinforces the importance of the alliance between the United States and the Republic of Korea and the need for the United States to maintain a strong military presence in East Asia; and

Whereas this attack also signifies the importance of maintaining a strong bilateral economic, security, and cultural relationship with the Republic of Korea: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attack by the Government of North Korea against the Republic of Korea in violation of the 1953 Korean War Armistice Agreement;

(2) expresses its deep condolences to the government and people of the Republic of Korea, especially the families on Yeonpyeong Island who suffered from this attack and lost their loved ones;

(3) recognizes that maintaining peace on the Korean peninsula requires constant vigilance, and continues to stand with the people and the Government of the Republic of Korea in this time of crisis;

(4) calls on the international community, especially North Korea's ally, China, to condemn this attack and enjoin the Government of North Korea to halt all nuclear activities in accord with United Nations Security Council resolutions 1718 (2006) and 1874 (2009) and refrain from any further actions that may destabilize the Korean Peninsula;

(5) calls on the President to work with the Government of the Republic of Korea to take all necessary steps to deter further aggression by the Government of North Korea, in keeping with the security alliance between the United States and the Republic of Korea;

(6) urges the Administration to continue a bilateral economic relationship with the Republic of Korea; and

(7) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the preservation of peace and stability on the Korean Peninsula and throughout the region.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4726. Mr. DURBIN (for Mr. SESSIONS (for himself and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''.

SA 4727. Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SA 4728. Mr. REID (for Mr. SCHUMER (for himself, Ms. STABENOW, and Mr. MENENDEZ)) proposed an amendment to amendment SA 4727 proposed by Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) to the bill H.R. 4853, supra.

SA 4729. Mr. REID proposed an amendment to the bill H.R. 4853, supra.

SA 4730. Mr. REID proposed an amendment to amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, supra.

SA 4731. Mr. REID proposed an amendment to amendment SA 4730 proposed by Mr. REID to the amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, supra.

TEXT OF AMENDMENTS

SA 4726. Mr. DURBIN (for Mr. SESSIONS (for himself and Mr. LEAHY)) submitted an amendment intended to be proposed by Mr. DURBIN to the bill H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''; as follows:

On page 2, in the item related to chapter 35 in the subtitle analysis, strike

"and"

and insert

"or"

On page 7, strike lines 14 through 20 and insert ''In this subtitle, the term 'supplies' has the same meaning as the terms 'item' and 'item of supply' ''.

On page 9, line 20, strike ''**suppport**'' and insert ''**support**''.

On page 25, lines 11 and 12, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 48, line 34, strike ''employee from State or local governments'' and insert ''individual''.

On page 55, line 36, strike ''$2,500'' and insert ''$3,000''.

On page 56, line 15, strike ''$2,500'' and insert ''$3,000''.

On page 56, line 19, strike ''$2,500'' and insert ''$3,000''.

On page 77, line 1, strike ''his representatives'' and insert ''representatives of the Comptroller General''.

On page 93, lines 18 and 19, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 110, line 21, strike ''**AND**'' and insert ''**OR**''.

Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

(c) CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

On page 185, line 39, strike ''AMOUNT'' and insert ''AMOUNTS''.

On page 185, line 40, strike ''amount'' and insert ''amounts''.

On page 186, line 1, strike ''amount'' and insert ''amounts''.

On page 201, line 13, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 204, between lines 10 and 11, insert the following:

(3) PERSON.—The term ''person'' means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

On page 204, line 11, strike ''(3)'' and insert ''(4)''.

On page 204, line 14, strike ''(4)'' and insert ''(5)''.

On page 204, line 17, strike ''(5)'' and insert ''(6)''.

On page 204, line 20, strike ''(6)'' and insert ''(7)''.

On page 204, line 24, strike ''(7)'' and insert ''(8)''.

On page 204, line 31, strike ''(8)'' and insert ''(9)''.

On page 208, line 6, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 209, line 3, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 213, line 36, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 213, line 39, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 8, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 19, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 24, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 27, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 39, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 3, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 6, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 10, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 19, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 217, line 28, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 219, line 30, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 219, line 33, strike ''(except section 3302)'' and insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)''.

On page 219, line 38, insert ''**(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)**'' after ''**division C**''.

On page 220, line 5, insert ''(EXCEPT SECTIONS 1704 AND 2303)'' after ''DIVISION B''.

On page 220, line 8, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 220, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 220, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 220, line 18, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 220, line 36, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 221, line 5, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 221, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 26, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 29, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 222, line 18, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 222, line 22, insert ''**(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)**'' after ''**division C**''.

On page 222, line 37, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 223, line 25, insert ''(EXCEPT SECTIONS 1704 AND 2303)'' after ''DIVISION B''.

On page 236, strike ''2006'' in the column relating to ''Date''.

On page 236, strike the item related to Public Law 109–364.

SA 4727. Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, by the House amendment insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Tax Cut 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 of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

Sec. 101. Repeal of sunset on certain individual income tax rate relief.
Sec. 102. Reduced rates on capital gains and dividends made permanent.
Sec. 103. Repeal of sunset on expansion of child tax credit.
Sec. 104. Repeal of sunset on marriage penalty relief.
Sec. 105. Repeal of sunset on expansion of dependent care credit.
Sec. 106. Repeal of sunset on expansion of adoption credit and adoption assistance programs.
Sec. 107. Repeal of sunset on employer-provided child care credit.
Sec. 108. Repeal of sunset on expansion of earned income tax credit.

TITLE II—PERMANENT EDUCATION TAX RELIEF

Sec. 201. Repeal of sunset on education individual retirement accounts.
Sec. 202. Repeal of sunset on employer-provided educational assistance.
Sec. 203. Repeal of sunset on student loan interest deduction.
Sec. 204. Repeal of sunset on exclusion of certain scholarships.
Sec. 205. Repeal of sunset on arbitrage rebate exception for governmental bonds.
Sec. 206. Repeal of sunset on treatment of qualified public educational facility bonds.
Sec. 207. Repeal of sunset on American Opportunity Tax Credit.
Sec. 208. Repeal of sunset on allowance of computer technology and equipment as a qualified higher education expense for section 529 accounts.

TITLE III—PERMANENT ESTATE TAX RELIEF

Sec. 301. Repeal of EGTRRA sunset.
Sec. 302. Reinstatement of estate tax; repeal of carryover basis.
Sec. 303. Modifications to estate, gift, and generation-skipping transfer taxes.
Sec. 304. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.
Sec. 305. Exclusion from gross estate of certain farmland so long as farmland use by family continues.
Sec. 306. Increase in limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.
Sec. 307. Modification of rules for value of certain farm, etc., real property.
Sec. 308. Required minimum 10-year term, etc., for grantor retained annuity trusts.
Sec. 309. Consistent basis reporting between estate and person acquiring property from decedent.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

Sec. 401. Repeal of sunset on increased limitations on small business expensing.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 501. Extension of increased alternative minimum tax exemption amount.
Sec. 502. Extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

Sec. 601. Extension of Build America Bonds.
Sec. 602. Exempt-facility bonds for sewage and water supply facilities.
Sec. 603. Extension of exemption from alternative minimum tax treatment for certain tax-exempt bonds.
Sec. 604. Extension and additional allocations of recovery zone bond authority.
Sec. 605. Allowance of new markets tax credit against alternative minimum tax.
Sec. 606. Extension of tax-exempt eligibility for loans guaranteed by Federal home loan banks.
Sec. 607. Extension of temporary small issuer rules for allocation of tax-exempt interest expense by financial institutions.

Subtitle B—Energy

Sec. 611. Alternative motor vehicle credit for new qualified hybrid motor vehicles other than passenger automobiles and light trucks.
Sec. 612. Incentives for biodiesel and renewable diesel.
Sec. 613. Credit for electricity produced at certain open-loop biomass facilities.
Sec. 614. Credit for steel industry fuel.
Sec. 615. Credit for producing fuel from coke or coke gas.
Sec. 616. New energy efficient home credit.
Sec. 617. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 618. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 619. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
Sec. 620. Credit for nonbusiness energy property.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

Sec. 631. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 632. Additional standard deduction for State and local real property taxes.
Sec. 633. Deduction of State and local sales taxes.
Sec. 634. Contributions of capital gain real property made for conservation purposes.
Sec. 635. Above-the-line deduction for qualified tuition and related expenses.
Sec. 636. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 637. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.

PART II—LOW-INCOME HOUSING CREDITS

Sec. 641. Election for direct payment of low-income housing credit for 2010.
Sec. 642. Low-income housing grant election.

Subtitle D—Business Tax Relief

Sec. 651. Research credit.
Sec. 652. Indian employment tax credit.
Sec. 653. New markets tax credit.
Sec. 654. Railroad track maintenance credit.
Sec. 655. Mine rescue team training credit.
Sec. 656. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 657. 5-year depreciation for farming business machinery and equipment.
Sec. 658. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 659. 7-year recovery period for motorsports entertainment complexes.
Sec. 660. Accelerated depreciation for business property on an Indian reservation.
Sec. 661. Enhanced charitable deduction for contributions of food inventory.
Sec. 662. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 663. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 664. Election to expense mine safety equipment.
Sec. 665. Special expensing rules for certain film and television productions.
Sec. 666. Expensing of environmental remediation costs.
Sec. 667. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 668. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 669. Exclusion of gain or loss on sale or exchange of certain brownfield sites from unrelated business income.

Sec. 670. Timber REIT modernization.
Sec. 671. Treatment of certain dividends of regulated investment companies.
Sec. 672. RIC qualified investment entity treatment under FIRPTA.
Sec. 673. Exceptions for active financing income.
Sec. 674. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 675. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 676. Empowerment zone tax incentives.
Sec. 677. Tax incentives for investment in the District of Columbia.
Sec. 678. Renewal community tax incentives.
Sec. 679. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 680. American Samoa economic development credit.
Sec. 681. Election to temporarily utilize unused AMT credits determined by domestic investment.
Sec. 682. Reduction in corporate rate for qualified timber gain.
Sec. 683. Study of extended tax expenditures.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

Sec. 691. Waiver of certain mortgage revenue bond requirements.
Sec. 692. Losses attributable to federally declared disasters.
Sec. 693. Special depreciation allowance for qualified disaster property.
Sec. 694. Net operating losses attributable to federally declared disasters.
Sec. 695. Expensing of qualified disaster expenses.

PART II—REGIONAL PROVISIONS

SUBPART A—NEW YORK LIBERTY ZONE

Sec. 696. Special depreciation allowance for nonresidential and residential real property.
Sec. 697. Tax-exempt bond financing.

SUBPART B—GO ZONE

Sec. 698. Increase in rehabilitation credit.
Sec. 699. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employers inside disaster areas.
Sec. 700. Extension of low-income housing credit rules for buildings in GO zones.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION

Sec. 701. Definition of eligible plan year.
Sec. 702. Eligible charity plans.
Sec. 703. Suspension of certain funding level limitations.
Sec. 704. Optional use of 30-year amortization periods.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

Sec. 801. Extension of unemployment insurance provisions.
Sec. 802. Temporary modification of indicators under the extended benefit program.

Subtitle B—Small Business

Sec. 811. Temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 812. General business credits of eligible small businesses carried back 5 years.
Sec. 813. General business credits of eligible small businesses not subject to alternative minimum tax.
Sec. 814. Extension of increase in amount allowed as deduction for start-up expenditures.
Sec. 815. Extension of deduction for health insurance costs in computing self-employment taxes.

Subtitle C—Energy

Sec. 821. Alternative fuel vehicle refueling property.
Sec. 822. Elective payment for specified energy property.
Sec. 823. Qualifying advanced energy project credit.
Sec. 824. New clean renewable energy bonds.
Sec. 825. Alternative motor vehicle credit for new qualified alternative fuel vehicles.
Sec. 826. Extension of provisions related to alcohol used as fuel.
Sec. 827. Energy efficient appliance credit.
Sec. 828. Reduced depreciation period for natural gas distribution facilities.

Subtitle D—Education

Sec. 831. Qualified school construction bonds.

Subtitle E—Other Employee and Housing Relief

Sec. 841. Making work pay credit.
Sec. 842. Work opportunity credit.
Sec. 843. Exclusion from income for benefits provided to volunteer firefighters and emergency medical responders.
Sec. 844. Parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 845. Qualified mortgage bonds for refinancing of subprime loans.

TITLE IX—OTHER PROVISIONS

Sec. 901. Repeal of expansion of information reporting requirements.
Sec. 902. Repeal of sunset on tax treatment of Alaska Native Settlement Trusts.
Sec. 903. Repeal of sunset on expansion of authority to postpone certain tax-related deadlines.
Sec. 904. Refunds disregarded in the administration of Federal programs and federally assisted programs.
Sec. 905. Treatment of securities of a controlled corporation exchanged for assets in certain reorganizations.

TITLE X—BUDGETARY PROVISIONS

Sec. 1001. Determination of budgetary effects.
Sec. 1002. Emergency designations.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

SEC. 101. REPEAL OF SUNSET ON CERTAIN INDIVIDUAL INCOME TAX RATE RELIEF.

(a) INDIVIDUAL INCOME TAX RATES.—

(1) REPEAL OF SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 101 of such Act.

(2) 25- AND 28- PERCENT RATE BRACKETS MADE PERMANENT.—Paragraph (2) of section 1(i) is amended to read as follows:

''(2) 25- AND 28- PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) by substituting '25%' for '28%' each place it appears (before the application of subparagraph (B)), and

''(B) by substituting '28%' for '31%' each place it appears.''.

(3) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) 33-PERCENT RATE BRACKET.—

''(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

''(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

''(I) the applicable amount, over

''(II) the dollar amount at which such bracket begins, and

''(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

''(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

''(i) the applicable threshold, over

''(ii) the sum of the following amounts in effect for the taxable year:

''(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

''(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

''(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term 'applicable threshold' means—

''(i) $250,000 in the case of subsection (a),

''(ii) $200,000 in the case of subsections (b) and (c), and

''(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term 'fourth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting '2008' for '1992' in subsection (f)(3)(B).''.

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(A) by striking ''the applicable amount'' the first place it appears in subsection (a) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(B) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(i) by striking ''the threshold amount'' in subparagraphs (A) and (B) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and

(B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes ''in a calendar year after 1989,'' and inserting the following:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning''.

(3) NONAPPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to any amendment made by section 102 or 103 of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 102. REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS MADE PERMANENT.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is hereby repealed.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

''(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),''.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus''.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking ''15 percent'' and inserting ''20 percent'':

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(3) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2011.

SEC. 103. REPEAL OF SUNSET ON EXPANSION OF CHILD TAX CREDIT.

(a) REPEAL OF SUNSET ON MODIFICATIONS TO CREDIT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of Federal programs and federally assisted programs) of such Act.

(b) PERMANENT INCREASE IN REFUNDABLE PORTION OF CREDIT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended by striking ''$10,000'' and inserting ''$3,000''.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 24 is amended by striking paragraph (4).

(3) ELIMINATION OF INFLATION ADJUSTMENT.—Subsection (d) of section 24 is amended by striking paragraph (3).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

SEC. 104. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SEC. 105. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 204 of such Act (relating to dependent care credit).

SEC. 106. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 202 of such Act (relating to expansion of adoption credit and adoption assistance programs).

(b) TECHNICAL AMENDMENTS RELATING TO EXPANSION UNDER PPACA.—

(1) REPEAL OF SUNSET.—Notwithstanding section 10909(c) of the Patient Protection and Affordable Care Act, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 10909 of the Patient Protection and Affordable Care Act.

(2) CODIFICATION OF SUNSET.—

(A) REFUNDABLE CREDIT.—Section 36C is amended by adding at the end the following new subsection:

''(j) TERMINATION.—This section shall not apply to expenses paid in taxable years beginning after December 31, 2011.''.

(B) ADOPTION ASSISTANCE PROGRAMS.—

(i) IN GENERAL.—Section 137(b) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2010 AND 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1) and subsection (a)(2) shall each be applied by substituting '$13,170' for '$10,000'.''.

(ii) INFLATION ADJUSTMENT FOR YEARS TO WHICH SPECIAL RULE APPLIES.—Paragraph (1) of section 137(f) is amended—

(I) by inserting ''FOR 2011'' after ''LIMITATIONS'' in the heading, and

(II) by striking ''after December 31, 2010, each of the dollar amounts in subsections (a)(2) and (b)(1)'' inserting ''after December 31, 2010, and before January 1, 2012, the $13,170 dollar amount in subsection (b)(4)''.

(iii) INFLATION ADJUSTMENT FOR OTHER YEARS.—Paragraph (2) of section 137(f) is amended—

(I) by inserting ''AND DOLLAR LIMITATIONS FOR OTHER YEARS'' after ''LIMITATION'' in the heading,

(II) by striking ''the dollar amount in subsection (b)(2)(A)'' and inserting ''each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b)'', and

(III) by adding at the end the following new sentence: ''This paragraph shall not apply to the dollar amounts in subsections (a)(2) and (b)(1) for any taxable year to which paragraph (1) applies.''.

(iv) CONFORMING AMENDMENTS.—Subsections (a)(2) and (b)(1) of section 137 are each amended by striking ''$13,170'' each place it appears in the text and in the heading and inserting ''$10,000''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 10909 of the Patient Protection and Affordable Care Act.

(3) NON-REFUNDABLE ADOPTION CREDIT ALLOWED FOR YEARS TO WHICH REFUNDABLE CREDIT NOT APPLICABLE.—

(A) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by inserting after section 22 the following new section:

''SEC. 23. ADOPTION EXPENSES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer.

''(2) YEAR CREDIT ALLOWED.—The credit under paragraph (1) with respect to any expense shall be allowed—

''(A) in the case of any expense paid or incurred before the taxable year in which such adoption becomes final, for the taxable year following the taxable year during which such expense is paid or incurred, and

''(B) in the case of an expense paid or incurred during or after the taxable year in which such adoption becomes final, for the taxable year in which such expense is paid or incurred.

''(3) $10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of $10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) for all taxable years with respect to the adoption of a child by the taxpayer shall not exceed $10,000.

''(2) INCOME LIMITATION.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) for any taxable year (determined without regard to subsection (c)) shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

''(i) the amount (if any) by which the taxpayer's adjusted gross income exceeds $150,000, bears to

''(ii) $40,000.

''(B) DETERMINATION OF ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

''(3) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

''(B) GRANTS.—No credit shall be allowed under subsection (a) for any expense to the extent that funds for such expense are received under any Federal, State, or local program.

''(4) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and section 25D) and section 27 for the taxable year.

''(c) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(3) LIMITATION.—No credit may be carried forward under this subsection to a taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses—

''(A) which are directly related to, and the principal purpose of which is for, the legal adoption of an eligible child by the taxpayer,

''(B) which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement,

''(C) which are not expenses in connection with the adoption by an individual of a child who is the child of such individual's spouse, and

''(D) which are not reimbursed under an employer program or otherwise.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means any individual who—

''(A) has not attained age 18, or

''(B) is physically or mentally incapable of caring for himself.

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child if—

''(A) a State has determined that the child cannot or should not be returned to the home of his parents,

''(B) such State has determined that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance, and

''(C) such child is a citizen or resident of the United States (as defined in section 217(h)(3)).

''(e) SPECIAL RULES FOR FOREIGN ADOPTIONS.—In the case of an adoption of a child who is not a citizen or resident of the United States (as defined in section 217(h)(3))—

''(1) subsection (a) shall not apply to any qualified adoption expense with respect to such adoption unless such adoption becomes final, and

''(2) any such expense which is paid or incurred before the taxable year in which such adoption becomes final shall be taken into account under this section as if such expense were paid or incurred during such year.

''(f) FILING REQUIREMENTS.—

''(1) MARRIED COUPLES MUST FILE JOINT RETURNS.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.

''(2) TAXPAYER MUST INCLUDE TIN.—

''(A) IN GENERAL.—No credit shall be allowed under this section with respect to any eligible child unless the taxpayer includes (if known) the name, age, and TIN of such child on the return of tax for the taxable year.

''(B) OTHER METHODS.—The Secretary may, in lieu of the information referred to in subparagraph (A), require other information meeting the purposes of subparagraph (A), including identification of an agent assisting with the adoption.

''(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsections (a)(3) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section and section 137, including regulations which treat unmarried individuals who pay or incur qualified adoption expenses with respect to the same child as 1 taxpayer for purposes of applying the dollar amounts in subsections (a)(3) and (b)(1) of this section and in section 137(b)(1).

''(j) APPLICABILITY.—No credit shall be allowed under subsection (a) for any taxable year in which a credit is allowed under subpart C with respect to qualified adoption expenses.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 24(b)(3)(B) is amended by inserting ''23,'' before ''25A(i),''.

(ii) Section 25(e)(1)(C) is amended—

(I) by inserting ''23,'' before ''25D'' in clause (i), and

(II) by inserting ''23,'' before ''24'' in clause (ii).

(iii) Section 25A(i)(5)(B) is amended by striking ''25D'' and inserting ''23, 25D,''.

(iv) Section 25B(g)(2) is amended by inserting ''23,'' before ''25A(i)''.

(v) Section 26(a)(1) is amended by inserting ''23,'' before ''24''.

(vi) Section 30(c)(2)(B)(ii) is amended by striking ''25D'' and inserting ''23, 25D,''.

(vii) Section 30B(g)(2)(B)(ii) is amended by inserting ''23,'' before ''25D''.

(viii) Section 30D(c)(2)(B)(ii) is amended by striking ''sections 25D and'' and inserting ''sections 23 and 25D''.

(ix) Section 137 is amended by adding at the end the following new subsection:

''(g) TREATMENT OF REFERENCES TO SECTION 36C.—For purposes of this section, in the case of any taxable year with respect to which no credit is allowable under subpart C with respect to qualified adoption expenses, any reference to section 36C shall be treated as a reference to section 23.''.

(x) Section 904(i) is amended by inserting ''23,'' before ''24''.

(xi) Section 1016(a)(26) is amended by striking ''36C(g)'' and inserting ''23(g), 36C(g),''.

(xii) Section 1400C(d)(2) is amended by inserting ''23,'' before ''24''.

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 22 the following new item:

''Sec. 23. Adoption expenses.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

SEC. 107. REPEAL OF SUNSET ON EMPLOYER-PROVIDED CHILD CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 205 of such Act (relating to allowance of credit for employer expenses for child care assistance).

SEC. 108. REPEAL OF SUNSET ON EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to subsections (b) through (h) of section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) INCREASED CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual with 3 or more qualifying children, the table in subparagraph (A) shall be applied by substituting '45' for '40' in the second column thereof.''.

(c) JOINT RETURNS.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended by striking ''increased by'' and all that follows and inserting ''increased by $5,000.''

(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 32(j)(1)(B) is amended—

(A) by striking ''$3,000'' and inserting ''$5,000'', and

(B) by striking ''calendar year 2007'' and inserting ''calendar year 2008''.

(d) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—PERMANENT EDUCATION TAX RELIEF

SEC. 201. REPEAL OF SUNSET ON EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 401 of such Act (relating to modifications to education individual retirement accounts).

SEC. 202. REPEAL OF SUNSET ON EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 411 of such Act (relating to extension of exclusion for employer-provided educational assistance).

SEC. 203. REPEAL OF SUNSET ON STUDENT LOAN INTEREST DEDUCTION.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 412 of such Act (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).

SEC. 204. REPEAL OF SUNSET ON EXCLUSION OF CERTAIN SCHOLARSHIPS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 413 of such Act (relating to exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program).

SEC. 205. REPEAL OF SUNSET ON ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 421 of such Act (relating to additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities).

SEC. 206. REPEAL OF SUNSET ON TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 422 of such Act (relating to treatment of qualified public educational facility bonds as exempt facility bonds.

SEC. 207. REPEAL OF SUNSET ON AMERICAN OPPORTUNITY TAX CREDIT.

(a) PERMANENT EXTENSION OF CREDIT.—Section 25A is amended—

(1) by striking ''$1,000'' each place it appears in subsection (b)(1) and inserting ''$2,000'',

(2) by striking ''50 percent'' in subsection (b)(1)(B) and inserting ''25 percent'',

(3) by striking ''2 TAXABLE YEARS'' in the heading of subparagraph (A) of subsection (b)(2) and inserting ''4 TAXABLE YEARS'',

(4) by striking ''2 prior taxable years'' in subsection (b)(2)(A) and inserting ''4 prior taxable years'',

(5) by striking ''2 YEARS'' in the heading of subparagraph (C) of subsection (b)(2) and inserting ''4 YEARS'',

(6) by striking ''first 2 years'' in subsection (b)(2)(C) and inserting ''first 4 years'',

(7) by striking ''tuition and fees'' in subparagraph (A) of subsection (f)(1) and inserting ''tuition, fees, and course materials'',

(8) by striking paragraphs (1) and (2) of subsection (d) and inserting the following new paragraphs:

''(1) AMERICAN OPPORTUNITY CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (1) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $80,000 ($160,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(2) LIFETIME LEARNING CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (2) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $40,000 ($80,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).'',

(9) by striking ''DOLLAR LIMITATION ON AMOUNT OF CREDIT'' in the heading of paragraph (1) of subsection (h) and inserting ''AMERICAN OPPORTUNITY CREDIT'',

(10) by striking ''2001'' in subsection (h)(1)(A) and inserting ''2011'',

(11) by striking ''the $1,000 amounts under subsection (b)(1)'' in subsection (h)(1)(A) and inserting ''the dollar amounts under subsections (b)(1) and (d)(1)'',

(12) by striking ''calendar year 2000'' in subsection (h)(1)(A)(ii) and inserting ''calendar year 2010'',

(13) by striking ''If any amount'' and all that follows in subparagraph (B) of subsection (h)(1) and inserting ''If any amount under subsection (b)(1) as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100. If any amount under subsection (d)(1) as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.'',

(14) by inserting ''OF LIFETIME LEARNING CREDIT'' after ''INCOME LIMITS'' in the heading of paragraph (2) of subsection (h),

(15) by adding at the end of subsection (b) the following new paragraphs:

''(4) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this subsection and sections 25D, 30, 30B, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 25B, 26, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the American Opportunity Credit.

''(5) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit (determined after the application of subsection (d)(1) and without regard to this paragraph and section 26(a)(2) or paragraph (4), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.'', and

(16) by striking subsection (i) and redesignating subsection (j) as subsection (i).

(b) HOPE SCHOLARSHIP CREDIT RENAMED AMERICAN OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Section 25A, as amended by subsection (a), is amended by striking ''Hope Scholarship'' each place it appears in the text and in the headings and inserting ''American Opportunity''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 25A is amendment by striking ''**HOPE**'' and inserting ''**AMERICAN OPPORTUNITY**''.

(B) The heading for clause (v) of section 529(c)(3)(B) is amended by striking ''HOPE'' and inserting ''AMERICAN OPPORTUNITY''.

(C) The heading for subparagraph (C) of section 530(d)(2) is amended by striking ''HOPE'' and inserting ''AMERICAN OPPORTUNITY''.

(D) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking ''Hope'' and inserting ''American Opportunity''.

(c) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(2) Section 25(e)(1)(C)(ii) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(3) Section 26(a)(1) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(4) Section 25B(g)(2) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(5) Section 904(i) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(6) Section 1400C(d)(2) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(7) Section 6211(b)(4)(A) is amended by striking ''25A by reason of subsection (i)(6) thereof'' and inserting ''25A by reason of subsection (b)(5) thereof''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''in 2009 and 2010'' each place it appears and inserting ''after 2008''.

SEC. 208. REPEAL OF SUNSET ON ALLOWANCE OF COMPUTER TECHNOLOGY AND EQUIPMENT AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS.

(a) IN GENERAL.—Clause (iii) of section 529(e)(3)(A) is amended by striking ''in 2009 or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2010.

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. REPEAL OF EGTRRA SUNSET.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

SEC. 302. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after the date of the introduction of this Act, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as if such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING BEFORE DATE OF ENACTMENT.—Notwithstanding subsection (a), in the case of an estate of a decedent

dying after December 31, 2009, and before the date of the enactment of this Act, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by this section do not apply with respect to such estate and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) receiving any disclaimer described in section 2518(b) of such Code,

shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping tax made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers, after December 31, 2009.

SEC. 303. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) $3,500,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) 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 such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''but not over $2,000,000'' in the table contained in paragraph (1),

(B) by striking the last 2 items in such table,

(C) by striking ''(1) IN GENERAL.—'', and

(D) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) INFLATION ADJUSTMENT FOR APPLICABLE EXCLUSION AMOUNT FOR GIFT TAX.—Section 2505 is amended by adding at the end the following new subsection:

''(d) INFLATION ADJUSTMENT.—In the case of any calendar year after 2010, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MODIFICATION OF GIFT TAX RATE.—On and after the date of the introduction of this Act, subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(3) CONFORMING AMENDMENT.—Section 2511 of the Internal Revenue Code of 1986 is amended by striking subsection (c).

(4) PERIOD OF REPEAL TREATED AS SEPARATE CALENDAR YEAR.—

(A) IN GENERAL.—For purposes of applying sections 1015, 2502, and 2505 of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as 2 separate calendar years one of which ends on the day before the date of the introduction of this Act and the other of which begins on such date of introduction.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as one preceding calendar period.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the introduction of this Act, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).''.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 304. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 303(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) 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 such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying on or after the date of the enactment of theMiddle Class Tax Cut Act of 2010, the term 'deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the excess of—

''(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

''(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(5) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may

examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) (determined as if the applicable exclusion amount were $1,000,000) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, on and after the date of the enactment of this Act.

SEC. 305. EXCLUSION FROM GROSS ESTATE OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 is amended by inserting after section 2033 the following new section:

''SEC. 2033A. EXCLUSION OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

''(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the adjusted value of qualified farmland included in the estate.

''(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

''(1) the executor—

''(A) elects the application of this section,

''(B) files an agreement referred to in section 2032A(d)(2), and

''(C) obtains a qualified appraisal (as defined in section 170(f)(11)(E)(i)) of the qualified farmland to which the election applies and attaches such appraisal to the return of the tax imposed by section 2001,

''(2) the decedent was (at the date of the decedent's death) a citizen or resident of the United States,

''(3) the decedent for the 3-taxable-year period (10-taxable-year period in the case of any qualified farmland which is qualified woodland described in section 2032A(c)(2)(F)(i)) preceding the date of the decedent's death had an average modified adjusted gross income (as defined in section 86(b)(2)) not exceeding $750,000,

''(4) 60 percent or more of the adjusted value of the gross estate at the date of the decedent's death consists of the adjusted value of real or personal property which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

''(5) 50 percent or more of the adjusted value of the gross estate consists of the adjusted value of qualified farmland which is real property, and

''(6) during the 10-year period ending on the date of the decedent's death—

''(A) the qualified farmland which is such real property was owned by the decedent or a member of the decedent's family, and

''(B) there was material participation (within the meaning of section 469(h)) by the decedent or a member of the decedent's family in the operation of such farmland.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED FARMLAND.—The term 'qualified farmland' means any real property—

''(A) which is located in the United States,

''(B) which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

''(C) such use of which is not an activity not engaged in for profit (within the meaning of section 183),

''(D) which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being so used by the decedent or a member of the decedent's family, and

''(E) which is property designated in the agreement filed under subsection (b)(1).

''(2) ADJUSTED VALUE.—The term 'adjusted value' means the value of farmland for purposes of this chapter (determined without regard to this section), reduced by any amounts allowable as a deduction in respect to such farmland under paragraph (3) or (4) of section 2053(a).

''(3) OTHER TERMS.—Any other term used in this section which is also used in section 2032A shall have the same meaning given such term by section 2032A.

''(d) ANNUAL INFORMATION RETURN TO THE SECRETARY.—

''(1) IN GENERAL.—The qualified heir of any qualified farmland shall file an information return (at such time and in such form and manner as the Secretary prescribes) for each calendar year.

''(2) CONTENTS OF RETURN.—The information return required under paragraph (1) shall set forth any disposition of any interest in such farmland or any cessation of use of such farmland as a farm for farming purposes and such other information as the Secretary may require.

''(e) IMPOSITION OF RECAPTURE TAX.—

''(1) IN GENERAL.—If—

''(A) at any time after the decedent's death and before the death of the qualified heir—

''(i) the qualified heir disposes of any interest in qualified farmland (other than by a disposition to a member of the qualified heir's family),

''(ii) the qualified heir or member ceases to use the qualified farmland as a farm for farming purposes,

''(iii) the qualified heir or member incurs a nonrecourse indebtedness secured in whole or in part by a portion of the qualified farmland, or

''(iv) the qualified heir or member fails to file the information return with respect to the qualified farmland required under subsection (d) for 3 successive calendar years, or

''(B) upon the death of the qualified heir or member, the executor of the estate of such heir or member does not elect the application of this section with respect to the qualified farmland,

then, there is hereby imposed a recapture tax with respect to such qualified farmland or such interest in or portion of such qualified farmland.

''(2) APPLICATION OF RECAPTURE TAX TO EARLIER GENERATIONS.—Upon the imposition of a recapture tax under paragraph (1) with respect to such qualified farmland or such interest in or portion of such qualified farmland, there is also imposed an aggregate amount of any recapture tax which would have been determined under this subsection with respect to such farmland, interest, or portion if the such tax had been imposed and paid on the date of death of the decedent and on the date of death of any qualified heir (or member) of such farmland, interest, or portion in any intervening generation.

''(3) AMOUNT OF RECAPTURE TAX, ETC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), rules similar to the rules of section 2032A(c) (other than paragraphs (1) and (2)(E) thereof) with respect to the additional estate tax shall apply for purposes of this subsection with respect to each recapture tax.

''(B) ADJUSTMENTS TO RECAPTURE TAX.—

''(i) ADJUSTMENT TO REFLECT INCREASE IN VALUE OF INTEREST.—Subject to clause (ii), the amount of the recapture tax otherwise determined under rules described in subparagraph (A) shall be increased by the percentage (if any) by which the value of the interest in the qualified farmland at the time of the imposition of such tax is greater than the adjusted value of such farmland at the time such farmland would have been included in the estate if no election under this section had been made.

''(ii) ADJUSTMENTS TO VALUE OF INTEREST AT TIME OF TAX IMPOSITION.—For purposes of determining the value of the interest in the qualified farmland at the time of the imposition of such tax, such value shall be reduced (under rules prescribed by the Secretary) by—

''(I) the basis of any substantial improvements made with respect to such interest by the qualified heir or member, and

''(II) the aggregate amount of any recapture tax imposed under paragraph (2).

''(f) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (d), (e) (other than paragraphs (6) and (13) thereof), (f), (g), (h), and (i) of section 2032A shall apply for purposes of this section.

''(g) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including the application of this section in the case of multiple interests in qualified farmland, and to prevent fraud and abuse under this section.''.

(b) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—Section 1014 is amended by adding at the end the following new subsection:

''(f) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—For purposes of the allowance to any qualified heir of any depreciation or depletion deduction with respect to any interest in property acquired from a decedent and subject to an election under section 2033A, the basis of such property in the hands of such qualified heir (or member of the qualified heir's family after a disposition described in section 2033A(e)(1)(A)(i)) shall be the adjusted basis of such property in the hands of the decedent immediately before the death of such decedent.''.

(c) PENALTY FOR FAILURE TO FILE ANNUAL INFORMATION RETURN.—Section 6652 is amended by redesignating subsection (m) as subsection (n) and by adding at the end the following new subsection:

''(m) FAILURE TO FILE ANNUAL INFORMATION RETURN.—In the case of each failure to provide an information return as required under section 2033A(d) at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such return, an amount equal to $250 for each such failure.''.

(d) WOODLANDS SUBJECT TO MANAGEMENT PLAN.—Paragraph (2) of section 2032A(c) is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR WOODLANDS SUBJECT TO FOREST STEWARDSHIP PLAN.—

''(i) IN GENERAL.—Subparagraph (E) shall not apply to any disposition or severance of standing timber on a qualified woodland that is made pursuant to a forest stewardship plan developed under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a)

or an equivalent plan approved by the State Forester.

''(ii) COMPLIANCE WITH FOREST STEWARDSHIP PLAN.—Clause (i) shall not apply if, during the 10-year period under paragraph (1), the qualified heir fails to comply with such forest stewardship plan or equivalent plan.''.

(e) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—Paragraph (8) of section 2032A(c) is amended to read as follows:

''(8) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—

''(A) QUALIFIED CONSERVATION CONTRIBUTIONS.—A qualified conservation contribution by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).

''(B) QUALIFIED CONSERVATION EASEMENT SOLD TO QUALIFIED ORGANIZATION.—A sale of a qualified conservation easement to a qualified organization shall not be deemed a disposition under subsection (c)(1)(A).

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the terms 'qualified conservation contribution' and 'qualified organization' have the meanings given such terms by section 170(h), and

''(ii) the term 'qualified conservation easement' has the meaning given such term by section 2031(c)(8).''.

(f) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 is amended by inserting after the item relating to section 2033 the following new item:

''Sec. 2033A. Exclusion of certain farmland so long as use as farmland continues.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 306. INCREASE IN LIMITATIONS ON THE AMOUNT EXCLUDED FROM THE GROSS ESTATE WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) INCREASE IN DOLLAR LIMITATION ON EXCLUSION.—Paragraph (3) of section 2031(c) is amended by striking ''the exclusion limitation is'' and all that follows and inserting ''the exclusion limitation is $5,000,000.''.

(b) INCREASE IN PERCENTAGE OF VALUE OF LAND WHICH IS EXCLUDABLE.—Paragraph (2) of section 2031(c) is amended—

(1) by striking ''40 percent'' and inserting ''50 percent'', and

(2) by striking ''2 percentage points'' and inserting ''2.5 percentage points''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying after the date of the enactment of this Act.

SEC. 307. MODIFICATION OF RULES FOR VALUE OF CERTAIN FARM, ETC., REAL PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 2032A(a) is amended by striking ''$750,000'' and inserting ''$3,500,000''.

(b) INFLATION ADJUSTMENT.—Paragraph (3) of section 2032A(a) is amended—

(1) by striking ''1998'' and inserting ''2010'',

(2) by striking ''$750,000'' and inserting ''$3,500,000'' in subparagraph (A), and

(3) by striking ''calendar year 1997'' and inserting ''calendar year 2009'' in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 308. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'';

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)''; and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 309. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) CONSISTENT USE OF BASIS.—

(1) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX VALUE.—

''(1) IN GENERAL.—For purposes of this section, the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the value of such interest as finally determined for purposes of chapter 11.

''(2) SPECIAL RULE WHERE NO FINAL DETERMINATION.—In any case in which the value of property has not been finally determined under chapter 11 and there has been a statement furnished under section 6035(a), the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the amount reported on the statement furnished under section 6035(a).

''(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.''.

(2) PROPERTY ACQUIRED BY GIFTS AND TRANSFERS IN TRUST.—Section 1015 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH GIFT TAX VALUE.—

''(1) IN GENERAL.—For purposes of this section, the fair market value of any interest in property at the time of the gift of that interest shall not exceed the value of such interest as finally determined for purposes of chapter 12.

''(2) SPECIAL RULE WHERE NO FINAL DETERMINATION.—In any case in which the value of property has not been finally determined under chapter 12 and there has been a statement furnished under section 6035(b), the fair market value of any interest in property at the time of the gift of that interest shall not exceed the amount reported on the statement furnished under section 6035(b).

''(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6034A the following new section:

''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT OR BY GIFT.

''(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

''(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

''(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

''(3) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

''(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(b) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED BY GIFT.—

''(1) IN GENERAL.—Each person making a transfer by gift who is required to file a return under section 6019 with respect to such transfer shall furnish to the Secretary and to each person acquiring any interest in property by reason of such transfer a statement identifying the fair market value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

''(2) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

''(i) the date which is 30 days after the date on which the return under section 6019 was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

''(1) applying this section to property with regard to which no estate or gift tax return is required to be filed, and

''(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.''.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) any statement required to be filed with the Secretary under section 6035.''.

(B) STATEMENT.—Section 6724(d)(2) is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting '', or'', and by adding at the end the following new subparagraph:

''(II) section 6035 (other than a statement described in paragraph (1)(D)).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6034A the following new item:

''Sec. 6035. Basis information to persons acquiring property from decedent or by gift.''.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

''(8) Any inconsistent estate or gift basis.''.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 is amended by adding at the end the following new subsection:

''(k) INCONSISTENT ESTATE OR GIFT BASIS REPORTING.—For purposes of this section, the term 'inconsistent estate or gift basis' means—

''(1) in the case of property acquired from a decedent, a basis determination with respect to such property which is not consistent with the requirements of section 1014(f), and

''(2) in the case of property acquired by gift, a basis determination with respect to such property which is not consistent with the requirements of section 1015(f).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers for which returns are filed after the date of the enactment of this Act.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

SEC. 401. REPEAL OF SUNSET ON INCREASED LIMITATIONS ON SMALL BUSINESS EXPENSING.

(a) IN GENERAL.—Subsection (b) of section 179, as amended by the Small Business Jobs Act of 2010, is amended—

(1) by striking ''$25,000'' in paragraph (1)(C) and inserting ''$125,000.'', and

(2) by striking ''$200,000'' in paragraph (2)(C) and inserting ''$500,000.''.

(b) INFLATION ADJUSTMENT.—Section 179(b) is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2011, the $125,000 amount in paragraph (1)(C) and the $500,000 amount in paragraph (2)(C) shall each 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 in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(c) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii), as amended by the Small Business Jobs Act of 2010, is amended by striking ''and before 2012''.

(d) REVOCATION OF ELECTION MADE PERMANENT.—Section 179(c)(2), as amended by the Small Business Jobs Act of 2010, is amended to read as follows:

''(2) REVOCATION OF ELECTION.—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 501. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$70,950'' and all that follows through ''2009'' in subparagraph (A) and inserting ''$72,450 in the case of taxable years beginning in 2010 and $74,450 in the case of taxable years beginning in 2011'', and

(2) by striking ''$46,700'' and all that follows through ''2009'' in subparagraph (B) and inserting ''$47,450 in the case of taxable years beginning in 2010 and $48,450 in the case of taxable years beginning in 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 502. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2009'' and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

SEC. 601. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking ''January 1, 2011'' in subsection (a) and inserting ''January 1, 2012''; and

(B) by striking ''January 1, 2011'' in subsection (f)(1)(B) and inserting ''a particular date''.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking ''January 1, 2011'' and inserting ''January 1, 2012''; and

(B) by striking ''QUALIFIED BONDS ISSUED BEFORE 2011'' in the heading and inserting ''CERTAIN QUALIFIED BONDS''.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''35 percent'' and inserting ''the applicable percentage''; and

(3) by adding at the end the following new paragraph:

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent.''.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF CURRENT REFUNDING BONDS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified bond' includes any bond (or series of bonds) issued to refund a qualified bond if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

''(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

SEC. 602. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 603. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 604. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U–1 is amended by adding at the end the following new subsection:

''(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

''(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

''(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

''(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

''(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

''(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

''(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

''(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

''(5) 2010 NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is $10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–2 in the same manner as an allocation of national recovery zone economic development bond limitation.

''(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is $15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–3 in the same manner as an allocation of national recovery zone facility bond limitation.''.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U–1(a)(3) is amended by adding at the end the following: ''A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.''.

SEC. 605. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2013,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 606. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 607. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle B—Energy

SEC. 611. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 612. 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, 2011''.

(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, 2011''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 613. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking ''5-year period'' and inserting ''7-year period''; and

(2) by adding at the end the following: ''In the case of the next-to-last year of the 7-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence. In the case of the last year of such 7-year period, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 60 percent of such credit determined without regard to this sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 614. CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 3 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 ''2012''.

(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 apply to fuel produced and sold after September 30, 2008.

(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. 615. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 616. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 617. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

''(C) December 31, 2009, in any other case.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

''(C) December 31, 2009, in any other case.''.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2011.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting ''or (E)'' after ''subparagraph (D)''.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 618. 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, 2012''.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

''(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

''(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission's rules applicable to independent transmission providers, and''.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 619. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 620. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION.—

(1) IN GENERAL.—Section 25C(g)(2) is amended by striking ''2010'' and inserting ''2011''.

(2) LIMITATION.—Section 25C(b) is amended by striking ''and 2010'' and inserting '', 2010, and 2011''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2010.

(b) MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) 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), and

''(B) 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2010.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 631. 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, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 632. 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, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 633. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 634. 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, 2011''.

(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, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 635. 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, 2011''.

(b) APPLICATION AND EXTENSION OF EGTRRA SUNSET.—Notwithstanding section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, such section shall apply to the amendments made by this section and the amendments made by section 431 of such Act by substituting ''December 31, 2011'' for ''December 31, 2010'' in subsection (a)(1) thereof.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(d) TEMPORARY COORDINATION WITH SECTION 25A.—In the case of any taxpayer for any taxable year beginning in 2010 or 2011, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 636. 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, 2011''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of qualified charitable distributions under section 408(d)(8) of the Internal Revenue Code of 1986 with respect to taxable years beginning in 2010, a taxpayer shall be deemed to have made such a distribution on the last day of such taxable year if the distribution is made not later than January 31, 2011.

SEC. 637. 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, 2011''.

(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. 641. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's low-income housing refundable credit election amount for the applicable calendar year, which shall be payable by the Secretary as provided in paragraph (5).

''(2) LOW-INCOME HOUSING GRANT ELECTION AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'low-income housing grant election amount' means, with respect to any State for any applicable calendar year, such amount as the State may elect which does not exceed 85 percent of the product of—

''(i) the sum of—

''(I) 100 percent of the State housing credit ceiling for such applicable calendar year which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase for such applicable calendar year attributable to section 1400N(c) (including credits made available under such section as 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 such applicable calendar year which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for the calendar year preceding such applicable calendar year attributable to the application of such section 702(d)(2) and 704(b), multiplied by

''(ii) 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) of such Code shall be applied without regard to clause (i).

''(B) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means calendar years 2010 and 2011.

''(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 of the second calendar year after the applicable calendar year' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36C,''.

SEC. 642. 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 for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as 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 credits for 2009 attributable to 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.

Subtitle D—Business Tax Relief

SEC. 651. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 652. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 653. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting '', 2010, and 2011'' after ''2009''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 654. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(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. 655. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45N,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 656. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 657. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 658. 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, 2012''.

(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).

(3) Section 179(f)(2) is amended—

(A) by striking ''(without regard to the dates specified in subparagraph (A)(i) thereof)'' in subparagraph (B), and

(B) by striking ''(without regard to subparagraph (E) thereof)'' in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 659. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 660. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 661. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 662. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 663. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 664. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 665. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 666. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 667. 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 6 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 668. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 669. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 670. 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, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking ''the first taxable year beginning after the date of the enactment of this subparagraph'' and inserting ''a taxable year beginning on or before the termination date''.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting ''in taxable years beginning'' after ''dispositions''.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting ''in a taxable year beginning'' after ''sale''.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting ''in a taxable year beginning'' after ''In the case of a sale''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 671. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 672. 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, 2011''.

(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. 673. 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, 2012''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(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. 674. 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, 2012''.

(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. 675. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 676. 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, 2011''; 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, 2016''; and

(2) by striking ''2014'' in the heading and inserting ''2016''.

(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. 677. 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, 2011''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(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, 2012''.

(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, 2016''; and

(ii) by striking ''2014'' in the heading and inserting ''2016''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by

striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(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. 678. 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, 2011''; and

(2) by striking ''January 1, 2010'' in paragraph (3) and inserting ''January 1, 2012''.

(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, 2012''.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(B) by striking ''2014'' in the heading and inserting ''2016''.

(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, 2012''.

(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. 679. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 680. 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 6 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 681. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

''(7) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

''(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

''(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

''(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

''(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

''(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

''(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''53(g),'' after ''53(e),''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''53(g),'' after ''53(e),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 682. 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, 2011.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 683. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for

taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than December 15, 2011, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 691. 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, 2012''.

(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, 2012''.

(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. 692. 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, 2012''.

(b) $500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(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. 693. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 694. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 695. 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, 2012''.

(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. 696. 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. 697. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 698. 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. 699. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 700. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION

SEC. 701. DEFINITION OF ELIGIBLE PLAN YEAR.

(a) AMENDMENT TO ERISA.—Clause (v) of section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)(D)), as added by section 201(a)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking ''on or after the date of the enactment of this subparagraph'' and inserting ''on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)'', and

(2) by adding at the end the following new sentence: ''For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

''(C) there are no outstanding liens in favor of the plan under subsection (k), and

''(D) the plan sponsor has not initiated a distress termination of the plan under section 4041.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Clause (v) of section 430(c)(2)(D) of the Internal Revenue Code of 1986, as added by section 201(b)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking ''on or after the date of the enactment of this subparagraph'' and inserting ''on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)'', and

(2) by adding at the end the following new sentence: ''For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

''(C) there are no outstanding liens in favor of the plan under subsection (k), and

''(D) the plan sponsor has not initiated a distress termination of the plan under section 4041 of the Employee Retirement Income Security Act of 1974.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by the provisions of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendments relate.

SEC. 702. ELIGIBLE CHARITY PLANS.

(a) DEFINITION OF ELIGIBLE CHARITY PLANS.—

(1) IN GENERAL.—Section 104(d) of the Pension Protection Act of 2006, as added by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended to read as follows:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

''(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

''(2) such employees are employed in at least 20 States,

''(3) more than 98 percent of such employees are employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

''(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates (determined after application of the amendment made by subsection (c)), except that a plan sponsor may elect to apply such amendment to plan years beginning on or after January 1, 2011.

(b) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 and the amendment made by subsection (a).

(c) APPLICATION OF NEW RULES TO ELIGIBLE CHARITY PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 202(c) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 is amended to read as follows:

''(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2010, except that a plan sponsor may elect to apply such amendments to plan years beginning after an earlier date.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates.

SEC. 703. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) is amended—

(1) by striking ''the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009'' and inserting ''any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011'';

(2) by striking ''substituting'' and all that follows through ''for such plan year'' and inserting ''substituting for such percentage the plan's adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,''; and

(3) by striking ''for the preceding plan year is greater'' and inserting ''for such last plan year is greater''.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence: ''For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).''.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs before January 1, 2011.

(c) REPEAL OF RELATED PROVISIONS.—The provisions of, and the amendments made by, section 203 of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 are repealed and the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) shall be applied as if such section had never been enacted.

SEC. 704. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) AMENDMENT TO ERISA.—Paragraph (8) of section 304(b) of the Employee Retirement Income Security Act of 1974, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking ''after August 31, 2008'' each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II), and inserting ''on or after June 30, 2008''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986 .—Paragraph (8) of section 431(b) of the Internal Revenue Code of 1986, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking ''after August 31, 2008'' each place it appears in subparagraphs (A)(i) and (B)(i)(I) and inserting ''on or after June 30, 2008''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—The amendments made by this section shall take effect as of the first day of the first plan year beginning on or after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan's funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

SEC. 801. 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 ''November 30, 2010'' each place it appears and inserting ''January 3, 2012'';

(B) in the heading for subsection (b)(2), by striking ''NOVEMBER 30, 2010'' and inserting ''JANUARY 3, 2012''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''June 9, 2012''.

(2) 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 ''December 1, 2010'' each place it appears and inserting ''January 4, 2012''; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''June 11, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''June 10, 2012''.

(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 (E), by striking ''and'' at the end; and

(2) by inserting after subparagraph (F) the following:

''(G) the amendments made by section 2(a)(1) of the ; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 802. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law

provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A).''.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word ''both'' were 'all', and the figure '2' were '3' in clause (1)(A)(ii).''.

Subtitle B—Small Business

SEC. 811. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by inserting ''AND 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

SEC. 812. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 813. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Paragraph (5) of section 38(c) is amended—

(1) by inserting ''or 2011'' after ''2010'' in subparagraph (A), and

(2) by inserting ''OR 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 814. EXTENSION OF INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) START-UP EXPENDITURES.—Paragraph (3) of section 195(b) is amended—

(1) by inserting ''or 2011'' after ''2010'', and

(2) by inserting ''OR 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 815. EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Energy

SEC. 821. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011.''.

(b) CLARIFICATION OF DEFINITION OF ELECTRIC REFUELING PROPERTY.—Subparagraph (B) of section 179A(d)(3) is amended to read as follows:

''(B) exclusively used for the recharging of motor vehicles propelled by electricity (other than property used for the generation of electricity).''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2010.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 822. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

(a) IN GENERAL.—Chapter 65 is amended by adding at the end the following new subchapter:

''Subchapter C—Direct Payment Provisions

''Sec. 6451. Elective payment for specified energy property.

''SEC. 6451. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

''(a) ELECTIVE PAYMENT.—

''(1) IN GENERAL.—Any eligible person electing the application of this section with respect to any specified energy property originally placed in service by such person during the taxable year shall be treated as making a payment against the tax imposed by subtitle A for the taxable year equal to the applicable percentage of the basis of such property. 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.

''(2) ELIGIBILITY.—A person shall not be eligible to elect the application of this section unless such person has been certified as eligible by the Secretary, under such rules as the Secretary, in consultation with the Secretary of Energy, may prescribe.

''(b) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

''(1) 30 percent in the case of any property described in paragraph (2)(A)(i) or (5) of section 48(a), and

''(2) 10 percent in the case of any other property.

''(c) DOLLAR LIMITATIONS.—In the case of property described in paragraph (1), (2), or (3) of section 48(c), the payment otherwise treated as made under subsection (a) with respect to such property shall not exceed the limitation applicable to such property under such paragraph.

''(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'specified energy property' means energy property (within the meaning of section 48) which—

''(A) is originally placed in service before January 1, 2012, or

''(B) is originally placed in service on or after such date and before the credit termination date with respect to such property, but only if the construction of such property began before January 1, 2012.

''(2) CREDIT TERMINATION DATE.—The term 'credit termination date' means—

''(A) in the case of any energy property which is part of a facility described in paragraph (1) of section 45(d), January 1, 2013,

''(B) in the case of any energy property which is part of a facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d), January 1, 2014, and

''(C) in the case of any energy property described in section 48(a)(3), January 1, 2017.

In the case of any property which is described in subparagraph (C) and also in another subparagraph of this paragraph, subparagraph (C) shall apply with respect to such property.

''(e) COORDINATION WITH PRODUCTION AND INVESTMENT CREDITS.—In the case of any property with respect to which an election is made under this section—

''(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under section 45 or 48 with respect to such property for the taxable year in which such property is originally placed in service or any subsequent taxable year.

''(2) REDUCTION OF PAYMENT BY PROGRESS EXPENDITURES ALREADY TAKEN INTO ACCOUNT.—The amount of the payment treated as made under subsection (a) with respect to such property shall be reduced by the aggregate amount of credits determined under section 48 with respect to such property for all taxable years preceding the taxable year in which such property is originally placed in service.

''(f) SPECIAL RULES FOR CERTAIN NON-TAXPAYERS.—

''(1) DENIAL OF PAYMENT.—Subsection (a) shall not apply with respect to any property originally placed in service by—

''(A) any governmental entity other than a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act), or

''(B) any organization described in section 501(c) (other than a mutual or cooperative electric company described in section 501(c)(12)) or 401(a) and exempt from tax under section 501(a).

''(2) EXCEPTION FOR PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—Paragraph (1) shall not apply with respect to any property originally placed in service by an entity described in section 511(a)(2) if substantially all of the income derived from such property by such entity is unrelated business taxable income (as defined in section 512).

''(3) SPECIAL RULES FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of property originally placed in service by a partnership or an S corporation—

''(A) the election under subsection (a) may be made only by such partnership or S corporation,

''(B) such partnership or S corporation shall be treated as making the payment referred to in subsection (a) only to the extent of the proportionate share of such partnership or S corporation as is owned by persons who would be treated as making such payment if the property were originally placed in service by such persons, and

''(C) the return required to be made by such partnership or S corporation under section 6031 or 6037 (as the case may be) shall be treated as a return of tax for purposes of subsection (a).

For purposes of subparagraph (B), rules similar to the rules of section 168(h)(6) (other than subparagraph (F) thereof) shall apply. For purposes of applying such rules, the term 'tax-exempt entity' shall not include any entity which is a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act) or which is a mutual or cooperative electric company described in section 501(c)(12).

''(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) OTHER DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 shall have the same meanings for purposes of this section as when used in such sections.

''(2) APPLICATION OF RECAPTURE RULES, ETC.—Except as otherwise provided by the Secretary, rules similar to the rules of section 50 (other than paragraphs (1) and (2) of subsection (d) thereof), and section 1603 of the American Recovery and Reinvestment Act of 2009, shall apply.

''(3) EXCLUSION FROM GROSS INCOME.—Any credit or refund allowed or made by reason of this section shall not be includible in gross income or alternative minimum taxable income.

''(4) EXCEPTION FOR CERTAIN PROJECTS.—Subsection (a) shall not apply to any governmental unit or cooperative electric company (as defined in section 54(j)(1)) with respect to any specified energy property which is described in section 48(a)(5)(D) if such entity has issued any bond—

''(A) which is designated as a clean renewable energy bond under section 54 of the Internal Revenue Code of 1986 or as a new clean renewable energy bond under section 54C of such Code, and

''(B) the proceeds of which are used for expenditures in connection with the same qualified facility with respect to which such specified energy property is a part.

''(5) COORDINATION WITH GRANT PROGRAM.—If a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009 is made with respect to any specified energy property—

''(A) no election may be made under subsection (a) with respect to such property on or after the date of such grant, and

''(B) if such grant is made after such election, such property shall be treated as having ceased to be specified energy property immediately after such property was originally placed in service.''.

(b) TREATMENT OF GRANTS FOR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

''(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), subparagraph (A) shall be applied without taking into account any payment made by reason of section 6452.''.

(c) CONFORMING AMENDMENTS RELATED TO DIRECT PAYMENT.—

(1) Subparagraph (A) of section 6211(b)(4)(A) is amended by inserting ''and subchapter C of chapter 65 (including any payment treated as made under such subchapter)'' after ''6431''.

(2) Subparagraph (B) of section 6425(c)(1) is amended—

(A) by striking ''the credits'' and inserting ''the sum of—

''(i) the credits'',

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting '', plus'', and

(C) by adding at the end the following new clause:

''(ii) the payments treated as made under subchapter C of chapter 65.''.

(3) Paragraph (3) of section 6654(f) is amended—

(A) by striking ''the credits'' and inserting ''the sum of—

''(A) the credits'',

(B) by striking the period at the end of subparagraph (A) thereof (as amended by this paragraph) and inserting '', and'', and

(C) by adding at the end the following new subparagraph:

''(B) the payments treated as made under subchapter C of chapter 65.''.

(4) Subparagraph (B) of section 6655(g)(1) is amended—

(A) by striking ''the credits'' and inserting ''the sum of—

''(i) the credits'',

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting '', plus'', and

(C) by adding at the end the following new clause:

''(ii) the payments treated as made under subchapter C of chapter 65.''.

(5) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting '', or from the provisions of subchapter C of chapter 65 of such Code'' before the period at the end.

(6) The table of subchapters for chapter 65 is amended by adding at the end the following new item:

''SUBCHAPTER C. DIRECT PAYMENT PROVISIONS.''.

(d) CLARIFICATION OF APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting ''(other than subsection (d)(2) thereof)'' after ''section 50 of the Internal Revenue Code of 1986''.

(e) TECHNICAL AMENDMENTS.—

(1) Paragraphs (1) and (2) of section 1603(a) of the American Recovery and Reinvestment Tax Act of 2009 are each amended by striking ''is placed in service'' and inserting ''is originally placed in service by such person''.

(2) Paragraph (1) of section 1603(d) of such Act is amended—

(A) by striking ''(within the meaning of section 45 of such Code)'', and

(B) by inserting before the period at the end the following: ''which would (but for section 48(d)(1) of such Code) be eligible for credit under section 45 of such Code (determined without regard to subsection (a)(2)(B) thereof)''.

(3) Subsection (f) of section 1603 of such Act, as amended by subsection (d), is amended—

(A) by striking the second sentence and inserting the following: ''In applying such rules, any increase in tax under chapter 1 of such Code by reason of the property being disposed of (or otherwise ceasing to be specified energy property) shall be imposed on the person to whom the grant was made.'',

(B) by striking ''In making grants under'' and inserting the following:

''(1) IN GENERAL.—In making grants under'', and

(C) by adding at the end following new paragraph:

''(2) SPECIAL RULES.—

''(A) RECAPTURE OF EXCESSIVE GRANT AMOUNTS.—If the amount of a grant made under this section exceeds the amount allowable as a grant under this section, such excess shall be recaptured under paragraph (1) as if the property to which such grant relates were disposed of immediately after such grant was made.

''(B) GRANT INFORMATION NOT TREATED AS RETURN INFORMATION.—For purposes of section 6103 of the Internal Revenue Code of 1986, in no event shall any of the following be treated as return information:

''(i) The amount of a grant made under subsection (a).

''(ii) The identity of the person to whom the grant was made.

''(iii) A description of the property with respect to which the grant was made.

''(iv) The fact and amount of any recapture.

''(v) The content of any report required by the Secretary of the Treasury to be filed in connection with the grant.''.

(4) Subsection (g) of section 1603 of such Act is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively,

(B) by moving such subparagraphs (as so redesignated) 2 ems to the right,

(C) by striking ''paragraph (1), (2), or (3)'' in subparagraph (D) (as so redesignated) and inserting ''subparagraphs (A), (B), or (C)'',

(D) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary'', and

(E) by adding at the end the following new paragraph:

''(2) EXCEPTION WHERE PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any person or entity described therein to the extent the grant is with respect to unrelated trade or business property.

''(B) UNRELATED TRADE OR BUSINESS PROPERTY.—For purposes of this paragraph, the term 'unrelated trade or business property' means any property with respect to which substantially all of the income derived therefrom by an organization described in section 511(a)(2) of the Internal Revenue Code of 1986 is subject to tax under section 511 of such Code.

''(C) INFORMATION WITH RESPECT TO PASS-THRUS.—In the case of a partnership or other pass-thru entity, partners or other holders of an equity or profits interest must provide to such partnership or entity such information as the Secretary may require to carry out the purposes of this subsection.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property originally placed in service after the date of the enactment of this Act.

(2) CLARIFICATION AND TECHNICAL AMENDMENTS.—The amendments made by subsections (d) and (e) shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 823. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking ''$2,300,000,000'' and inserting ''$4,800,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2010.

SEC. 824. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

''(5) SECOND ADDITIONAL LIMITATION.—Subject to paragraph (4), the national new clean renewable energy bond limitation shall be increased by $1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations after December 31, 2010.

SEC. 825. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED ALTERNATIVE FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2010.

SEC. 826. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking ''December 31, 2010'' in subparagraph (A) and inserting ''December 31, 2011'', and

(B) by striking ''January 1, 2011'' in subparagraph (B) and inserting ''January 1, 2012''.

(2) REDUCED AMOUNT FOR ETHANOL BLENDERS.—Subsection (h) of section 40 is amended—

(A) by striking ''2010'' in paragraph (1) and inserting ''2011'', and

(B) by striking the period at the end of the table contained in paragraph (2) and adding the following new item:

''2011	36 cents	26.66 cents.''.

(3) REDUCED RATE FOR SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(A) is amended by striking ''10 cents'' and inserting ''8 cents''.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to periods after December 31, 2010.

(B) RATE FOR SMALL ETHANOL PRODUCERS.—The amendment made by paragraph (3) shall apply to the sale or use of alcohol after December 31, 2010.

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) REDUCED APPLICABLE AMOUNT FOR ETHANOL.—Subparagraph (A) of section 6426(b)(2) is amended—

(A) by striking ''and'' at the end of clause (i),

(B) in clause (ii)—

(i) by inserting ''and before 2011'' after ''after 2008'', and

(ii) by striking the period and inserting '', and'', and

(C) by adding at the end the following new clause:

''(iii) in the case of calendar years beginning after 2010, 36 cents.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2011'' and inserting ''1/1/2012''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

SEC. 827. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

''(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

''(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).''.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

''(F) $225 in the case of a clothes washer manufactured in calendar year 2011—

''(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

''(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.''.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

''(F) $200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.''.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(3)(F)'', and

(B) by striking ''subsection (b)(2)(D)'' and inserting ''subsection (b)(2)(F)''.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking ''2 percent'' and inserting ''4 percent''.

(e) DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.—In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 828. REDUCED DEPRECIATION PERIOD FOR NATURAL GAS DISTRIBUTION FACILITIES.

(a) IN GENERAL.—Clause (viii) of section 168(e)(3)(E) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle D—Education

SEC. 831. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subsection (c) of section 54F is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by redesignating paragraph (3) as paragraph (4),

(3) by inserting after paragraph (2) the following new paragraph:

''(3) $11,000,000,000 for 2011, and'', and

(4) by striking ''2010'' in paragraph (4) (as redesignated by paragraph (2)) and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle E—Other Employee and Housing Relief

SEC. 841. MAKING WORK PAY CREDIT.

(a) IN GENERAL.—Section 36A(e) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) TREATMENT OF POSSESSIONS.—Section 1001(b)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''2009 and 2010'' both places it appears and inserting ''2009, 2010, and 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 842. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''August 31, 2011'' and inserting ''December 31, 2011''.

(b) UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.—Paragraph (14) of section 51(d) is amended—

(1) by striking ''2009 or 2010'' in subparagraph (A) and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009 OR 2010'' in the heading thereof and inserting ''2009, 2010, OR 2011''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

(2) UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.—The amendments made by subsection (b) shall apply to individuals who begin work for the employer after December 31, 2010.

SEC. 843. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) IN GENERAL.—Subsection (d) of section 139B is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 844. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 845. QUALIFIED MORTGAGE BONDS FOR REFINANCING OF SUBPRIME LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 143(k)(12) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2010.

TITLE IX—OTHER PROVISIONS

SEC. 901. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 2010.

SEC. 902. REPEAL OF SUNSET ON TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

SEC. 903. REPEAL OF SUNSET ON EXPANSION OF AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 802 of such Act (relating to expansion of authority to postpone certain tax-related deadlines by reason of Presidentially declared disaster).

SEC. 904. 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.

''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) 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. 905. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

''(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' for 'stock or securities' in subsections (a) and (b)(1), and

''(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the amount of the liabilities assumed (within the meaning of section 357(c))).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on December 31, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before December 2, 2010, or

(C) described on or before December 31, 2010, in a public announcement or in a filing with the Securities and Exchange Commission.

TITLE X—BUDGETARY PROVISIONS

SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.

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.

SEC. 1002. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—The provisions of this Act other than those that qualify for the current policy adjustments under section 7 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) are designated as an emergency requirement pursuant to section 4(g) of such Act (Public Law 111-139; 2 U.S.C. 933(g)).

(b) HOUSE OF REPRESENTATIVES.—In the House of Representatives, this Act is designated as an emergency for purposes of pay-as-you-go principles.

(c) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4728. Mr. REID (for Mr. SCHUMER (for himself, Ms. STABENOW, and Mr. MENENDEZ)) proposed an amendment to amendment SA 4727 proposed by Mr. BAUCUS (for Mr. REID (for himself, Mr. ROCKEFELLER, Mr. KERRY, Mr. CARPER, Ms. STABENOW, Mr. SCHUMER, and Mr. MENENDEZ)) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority to the Airport and Airway Trust Fund to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

Strike all after the first word 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 ''Middle Class Tax Cut 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 of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.

TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

Sec. 101. Repeal of sunset on certain individual income tax rate relief.
Sec. 102. Reduced rates on capital gains and dividends made permanent.
Sec. 103. Repeal of sunset on expansion of child tax credit.
Sec. 104. Repeal of sunset on marriage penalty relief.
Sec. 105. Repeal of sunset on expansion of dependent care credit.
Sec. 106. Repeal of sunset on expansion of adoption credit and adoption assistance programs.
Sec. 107. Repeal of sunset on employer-provided child care credit.
Sec. 108. Repeal of sunset on expansion of earned income tax credit.

TITLE II—PERMANENT EDUCATION TAX RELIEF

Sec. 201. Repeal of sunset on education individual retirement accounts.
Sec. 202. Repeal of sunset on employer-provided educational assistance.
Sec. 203. Repeal of sunset on student loan interest deduction.
Sec. 204. Repeal of sunset on exclusion of certain scholarships.
Sec. 205. Repeal of sunset on arbitrage rebate exception for governmental bonds.
Sec. 206. Repeal of sunset on treatment of qualified public educational facility bonds.
Sec. 207. Repeal of sunset on American Opportunity Tax Credit.
Sec. 208. Repeal of sunset on allowance of computer technology and equipment as a qualified higher education expense for section 529 accounts.

TITLE III—PERMANENT ESTATE TAX RELIEF

Sec. 301. Repeal of EGTRRA sunset.
Sec. 302. Reinstatement of estate tax; repeal of carryover basis.
Sec. 303. Modifications to estate, gift, and generation-skipping transfer taxes.
Sec. 304. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.

Sec. 305. Exclusion from gross estate of certain farmland so long as farmland use by family continues.
Sec. 306. Increase in limitations on the amount excluded from the gross estate with respect to land subject to a qualified conservation easement.
Sec. 307. Modification of rules for value of certain farm, etc., real property.
Sec. 308. Required minimum 10-year term, etc., for grantor retained annuity trusts.
Sec. 309. Consistent basis reporting between estate and person acquiring property from decedent.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

Sec. 401. Repeal of sunset on increased limitations on small business expensing.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 501. Extension of increased alternative minimum tax exemption amount.
Sec. 502. Extension of alternative minimum tax relief for nonrefundable personal credits.

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Sec. 841. Making work pay credit.
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TITLE IX—OTHER PROVISIONS

Sec. 901. Repeal of expansion of information reporting requirements.
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Sec. 903. Repeal of sunset on expansion of authority to postpone certain tax-related deadlines.
Sec. 904. Refunds disregarded in the administration of Federal programs and federally assisted programs.
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TITLE X—BUDGETARY PROVISIONS

Sec. 1001. Determination of budgetary effects.
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TITLE I—PERMANENT MIDDLE CLASS TAX RELIEF

SEC. 101. REPEAL OF SUNSET ON CERTAIN INDIVIDUAL INCOME TAX RATE RELIEF.

(a) INDIVIDUAL INCOME TAX RATES.—

(1) REPEAL OF SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 101 of such Act.

(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS MADE PERMANENT.—Paragraph (2) of section 1(i) is amended to read as follows:

''(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) by substituting '25%' for '28%' each place it appears (before the application of subparagraph (B)),

''(B) by substituting '28%' for '31%' each place it appears, and.

''(C) by substituting '33%' for '36%' each place it appears.''.

(3) 35-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) 35-PERCENT RATE BRACKET.—

''(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

''(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fifth rate bracket shall be 35 percent to the extent such income does not exceed an amount equal to the excess of—

''(I) the applicable amount, over

''(II) the dollar amount at which such bracket begins, and

''(ii) the 39.6 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

''(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

''(i) the applicable threshold, over

''(ii) the sum of the following amounts in effect for the taxable year:

''(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

''(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

''(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term 'applicable threshold' means—

''(i) $1,000,000 in the case of subsections (a), (b), and (c), and

''(ii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) FIFTH RATE BRACKET.—For purposes of this paragraph, the term 'fifth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting '2008' for '1992' in subsection (f)(3)(B).''.

(b) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(1) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(A) by striking ''the applicable amount'' the first place it appears in subsection (a) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(B) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(C) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(D) by striking subsections (f) and (g).

(2) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(A) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(i) by striking ''the threshold amount'' in subparagraphs (A) and (B) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(ii) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(iii) by striking subparagraphs (E) and (F).

(B) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(i) by striking subparagraph (B),

(ii) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(iii) by striking all that precedes ''in a calendar year after 1989,'' and inserting the following:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning''.

(3) NONAPPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to any amendment made by section 102 or 103 of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 102. REDUCED RATES ON CAPITAL GAINS AND DIVIDENDS MADE PERMANENT.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is hereby repealed.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

''(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),''.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus''.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking ''15 percent'' and inserting ''20 percent'':

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(3) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2011.

SEC. 103. REPEAL OF SUNSET ON EXPANSION OF CHILD TAX CREDIT.

(a) REPEAL OF SUNSET ON MODIFICATIONS TO CREDIT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of Federal programs and federally assisted programs) of such Act.

(b) PERMANENT INCREASE IN REFUNDABLE PORTION OF CREDIT.—

(1) IN GENERAL.—Clause (i) of section 24(d)(1)(B) is amended by striking ''$10,000'' and inserting ''$3,000''.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 24 is amended by striking paragraph (4).

(3) ELIMINATION OF INFLATION ADJUSTMENT.—Subsection (d) of section 24 is amended by striking paragraph (3).

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2010.

SEC. 104. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SEC. 105. REPEAL OF SUNSET ON EXPANSION OF DEPENDENT CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 204 of such Act (relating to dependent care credit).

SEC. 106. REPEAL OF SUNSET ON EXPANSION OF ADOPTION CREDIT AND ADOPTION ASSISTANCE PROGRAMS.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 202 of such Act (relating to expansion of adoption credit and adoption assistance programs).

(b) TECHNICAL AMENDMENTS RELATING TO EXPANSION UNDER PPACA.—

(1) REPEAL OF SUNSET.—Notwithstanding section 10909(c) of the Patient Protection and Affordable Care Act, title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 10909 of the Patient Protection and Affordable Care Act.

(2) CODIFICATION OF SUNSET.—

(A) REFUNDABLE CREDIT.—Section 36C is amended by adding at the end the following new subsection:

''(j) TERMINATION.—This section shall not apply to expenses paid in taxable years beginning after December 31, 2011.''.

(B) ADOPTION ASSISTANCE PROGRAMS.—

(i) IN GENERAL.—Section 137(b) is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR 2010 AND 2011.—In the case of any taxable year beginning in 2010 or 2011, paragraph (1) and subsection (a)(2) shall each be applied by substituting '$13,170' for '$10,000'.''.

(ii) INFLATION ADJUSTMENT FOR YEARS TO WHICH SPECIAL RULE APPLIES.—Paragraph (1) of section 137(f) is amended—

(I) by inserting ''FOR 2011'' after ''LIMITATIONS'' in the heading, and

(II) by striking ''after December 31, 2010, each of the dollar amounts in subsections (a)(2) and (b)(1)'' inserting ''after December 31, 2010, and before January 1, 2012, the $13,170 dollar amount in subsection (b)(4)''.

(iii) INFLATION ADJUSTMENT FOR OTHER YEARS.—Paragraph (2) of section 137(f) is amended—

(I) by inserting ''AND DOLLAR LIMITATIONS FOR OTHER YEARS'' after ''LIMITATION'' in the heading,

(II) by striking ''the dollar amount in subsection (b)(2)(A)'' and inserting ''each of the dollar amounts in subsection (a)(2) and paragraphs (1) and (2)(A) of subsection (b)'', and

(III) by adding at the end the following new sentence: ''This paragraph shall not apply to the dollar amounts in subsections (a)(2) and (b)(1) for any taxable year to which paragraph (1) applies.''.

(iv) CONFORMING AMENDMENTS.—Subsections (a)(2) and (b)(1) of section 137 are each amended by striking ''$13,170'' each place it appears in the text and in the heading and inserting ''$10,000''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 10909 of the Patient Protection and Affordable Care Act.

(3) NON-REFUNDABLE ADOPTION CREDIT ALLOWED FOR YEARS TO WHICH REFUNDABLE CREDIT NOT APPLICABLE.—

(A) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by inserting after section 22 the following new section:

''SEC. 23. ADOPTION EXPENSES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer.

''(2) YEAR CREDIT ALLOWED.—The credit under paragraph (1) with respect to any expense shall be allowed—

''(A) in the case of any expense paid or incurred before the taxable year in which such adoption becomes final, for the taxable year following the taxable year during which such expense is paid or incurred, and

''(B) in the case of an expense paid or incurred during or after the taxable year in which such adoption becomes final, for the taxable year in which such expense is paid or incurred.

''(3) $10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of $10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.

''(b) LIMITATIONS.—

''(1) DOLLAR LIMITATION.—The aggregate amount of qualified adoption expenses which may be taken into account under subsection (a) for all taxable years with respect to the adoption of a child by the taxpayer shall not exceed $10,000.

''(2) INCOME LIMITATION.—

''(A) IN GENERAL.—The amount allowable as a credit under subsection (a) for any taxable year (determined without regard to subsection (c)) shall be reduced (but not below zero) by an amount which bears the same ratio to the amount so allowable (determined without regard to this paragraph but with regard to paragraph (1)) as—

''(i) the amount (if any) by which the taxpayer's adjusted gross income exceeds $150,000, bears to

''(ii) $40,000.

''(B) DETERMINATION OF ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), adjusted gross income shall be determined without regard to sections 911, 931, and 933.

''(3) DENIAL OF DOUBLE BENEFIT.—

''(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

''(B) GRANTS.—No credit shall be allowed under subsection (a) for any expense to the extent that funds for such expense are received under any Federal, State, or local program.

''(4) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section and section 25D) and section 27 for the taxable year.

''(c) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(3) LIMITATION.—No credit may be carried forward under this subsection to a taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.

''(d) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses—

''(A) which are directly related to, and the principal purpose of which is for, the legal adoption of an eligible child by the taxpayer,

''(B) which are not incurred in violation of State or Federal law or in carrying out any surrogate parenting arrangement,

''(C) which are not expenses in connection with the adoption by an individual of a child who is the child of such individual's spouse, and

''(D) which are not reimbursed under an employer program or otherwise.

''(2) ELIGIBLE CHILD.—The term 'eligible child' means any individual who—

''(A) has not attained age 18, or

''(B) is physically or mentally incapable of caring for himself.

''(3) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child if—

''(A) a State has determined that the child cannot or should not be returned to the home of his parents,

''(B) such State has determined that there exists with respect to the child a specific factor or condition (such as his ethnic background, age, or membership in a minority or sibling group, or the presence of factors such as medical conditions or physical, mental, or emotional handicaps) because of which it is reasonable to conclude that such child cannot be placed with adoptive parents without providing adoption assistance, and

''(C) such child is a citizen or resident of the United States (as defined in section 217(h)(3)).

''(e) SPECIAL RULES FOR FOREIGN ADOPTIONS.—In the case of an adoption of a child who is not a citizen or resident of the United States (as defined in section 217(h)(3))—

''(1) subsection (a) shall not apply to any qualified adoption expense with respect to such adoption unless such adoption becomes final, and

''(2) any such expense which is paid or incurred before the taxable year in which such adoption becomes final shall be taken into account under this section as if such expense were paid or incurred during such year.

''(f) FILING REQUIREMENTS.—

''(1) MARRIED COUPLES MUST FILE JOINT RETURNS.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply for purposes of this section.

''(2) TAXPAYER MUST INCLUDE TIN.—

''(A) IN GENERAL.—No credit shall be allowed under this section with respect to any eligible child unless the taxpayer includes (if known) the name, age, and TIN of such child on the return of tax for the taxable year.

''(B) OTHER METHODS.—The Secretary may, in lieu of the information referred to in subparagraph (A), require other information meeting the purposes of subparagraph (A), including identification of an agent assisting with the adoption.

''(g) BASIS ADJUSTMENTS.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to any property, the increase in the basis of such property which would (but for this subsection) result from such expenditure shall be reduced by the amount of the credit so allowed.

''(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2002, each of the dollar amounts in subsections (a)(3) and paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section and section 137, including regulations which treat unmarried individuals who pay or incur qualified adoption expenses with respect to the same child as 1 taxpayer for purposes of applying the dollar amounts in subsections (a)(3) and (b)(1) of this section and in section 137(b)(1).

''(j) APPLICABILITY.—No credit shall be allowed under subsection (a) for any taxable year in which a credit is allowed under subpart C with respect to qualified adoption expenses.''.

(B) CONFORMING AMENDMENTS.—

(i) Section 24(b)(3)(B) is amended by inserting ''23,'' before ''25A(i),''.

(ii) Section 25(e)(1)(C) is amended—

(I) by inserting ''23,'' before ''25D'' in clause (i), and

(II) by inserting ''23,'' before ''24'' in clause (ii).

(iii) Section 25A(i)(5)(B) is amended by striking ''25D'' and inserting ''23, 25D,''.

(iv) Section 25B(g)(2) is amended by inserting ''23,'' before ''25A(i)''.

(v) Section 26(a)(1) is amended by inserting ''23,'' before ''24''.

(vi) Section 30(c)(2)(B)(ii) is amended by striking ''25D'' and inserting ''23, 25D,''.

(vii) Section 30B(g)(2)(B)(ii) is amended by inserting ''23,'' before ''25D''.

(viii) Section 30D(c)(2)(B)(ii) is amended by striking ''sections 25D and'' and inserting ''sections 23 and 25D''.

(ix) Section 137 is amended by adding at the end the following new subsection:

''(g) TREATMENT OF REFERENCES TO SECTION 36C.—For purposes of this section, in the case of any taxable year with respect to which no credit is allowable under subpart C with respect to qualified adoption expenses, any reference to section 36C shall be treated as a reference to section 23.''.

(x) Section 904(i) is amended by inserting ''23,'' before ''24''.

(xi) Section 1016(a)(26) is amended by striking ''36C(g)'' and inserting ''23(g), 36C(g),''.

(xii) Section 1400C(d)(2) is amended by inserting ''23,'' before ''24''.

(xiii) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 22 the following new item:

''Sec. 23. Adoption expenses.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the date of the enactment of this Act.

SEC. 107. REPEAL OF SUNSET ON EMPLOYER-PROVIDED CHILD CARE CREDIT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 205 of such Act (relating to allowance of credit for employer expenses for child care assistance).

SEC. 108. REPEAL OF SUNSET ON EXPANSION OF EARNED INCOME TAX CREDIT.

(a) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to subsections (b) through (h) of section 303 of such Act (relating to earned income tax credit).

(b) INCREASE IN CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE CHILDREN.—Paragraph (1) of section 32(b) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

''(B) INCREASED CREDIT PERCENTAGE FOR FAMILIES WITH 3 OR MORE QUALIFYING CHILDREN.—In the case of an eligible individual with 3 or more qualifying children, the table in subparagraph (A) shall be applied by substituting '45' for '40' in the second column thereof.''.

(c) JOINT RETURNS.—

(1) IN GENERAL.—Subparagraph (B) of section 32(b)(2) is amended by striking ''increased by'' and all that follows and inserting ''increased by $5,000.''

(2) INFLATION ADJUSTMENTS.—Clause (ii) of section 32(j)(1)(B) is amended—

(A) by striking ''$3,000'' and inserting ''$5,000'', and

(B) by striking ''calendar year 2007'' and inserting ''calendar year 2008''.

(d) CONFORMING AMENDMENT.—Section 32(b) is amended by striking paragraph (3).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

TITLE II—PERMANENT EDUCATION TAX RELIEF

SEC. 201. REPEAL OF SUNSET ON EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 401 of such Act (relating to modifications to education individual retirement accounts).

SEC. 202. REPEAL OF SUNSET ON EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 411 of such Act (relating to extension of exclusion for employer-provided educational assistance).

SEC. 203. REPEAL OF SUNSET ON STUDENT LOAN INTEREST DEDUCTION.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 412 of such Act (relating to elimination of 60-month limit and increase in income limitation on student loan interest deduction).

SEC. 204. REPEAL OF SUNSET ON EXCLUSION OF CERTAIN SCHOLARSHIPS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 413 of such Act (relating to exclusion of certain amounts received under the National Health Service Corps Scholarship Program and the F. Edward Hebert Armed Forces Health Professions Scholarship and Financial Assistance Program).

SEC. 205. REPEAL OF SUNSET ON ARBITRAGE REBATE EXCEPTION FOR GOVERNMENTAL BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 421 of such Act (relating to additional increase in arbitrage rebate exception for governmental bonds used to finance educational facilities).

SEC. 206. REPEAL OF SUNSET ON TREATMENT OF QUALIFIED PUBLIC EDUCATIONAL FACILITY BONDS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 422 of such Act (relating to treatment of qualified public educational facility bonds as exempt facility bonds.

SEC. 207. REPEAL OF SUNSET ON AMERICAN OPPORTUNITY TAX CREDIT.

(a) PERMANENT EXTENSION OF CREDIT.—Section 25A is amended—

(1) by striking ''$1,000'' each place it appears in subsection (b)(1) and inserting ''$2,000'',

(2) by striking ''50 percent'' in subsection (b)(1)(B) and inserting ''25 percent'',

(3) by striking ''2 TAXABLE YEARS'' in the heading of subparagraph (A) of subsection (b)(2) and inserting ''4 TAXABLE YEARS'',

(4) by striking ''2 prior taxable years'' in subsection (b)(2)(A) and inserting ''4 prior taxable years'',

(5) by striking ''2 YEARS'' in the heading of subparagraph (C) of subsection (b)(2) and inserting ''4 YEARS'',

(6) by striking ''first 2 years'' in subsection (b)(2)(C) and inserting ''first 4 years'',

(7) by striking ''tuition and fees'' in subparagraph (A) of subsection (f)(1) and inserting ''tuition, fees, and course materials'',

(8) by striking paragraphs (1) and (2) of subsection (d) and inserting the following new paragraphs:

''(1) AMERICAN OPPORTUNITY CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (1) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $80,000 ($160,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).

''(2) LIFETIME LEARNING CREDIT.—The amount which would (but for this paragraph) be taken into account under paragraph (2) of subsection (a) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so taken into account as—

''(A) the excess of—

''(i) the taxpayer's modified adjusted gross income for such taxable year, over

''(ii) $40,000 ($80,000 in the case of a joint return), bears to

''(B) $10,000 ($20,000 in the case of a joint return).'',

(9) by striking ''DOLLAR LIMITATION ON AMOUNT OF CREDIT'' in the heading of paragraph (1) of subsection (h) and inserting ''AMERICAN OPPORTUNITY CREDIT'',

(10) by striking ''2001'' in subsection (h)(1)(A) and inserting ''2011'',

(11) by striking ''the $1,000 amounts under subsection (b)(1)'' in subsection (h)(1)(A) and inserting ''the dollar amounts under subsections (b)(1) and (d)(1)'',

(12) by striking ''calendar year 2000'' in subsection (h)(1)(A)(ii) and inserting ''calendar year 2010'',

(13) by striking ''If any amount'' and all that follows in subparagraph (B) of subsection (h)(1) and inserting ''If any amount under subsection (b)(1) as adjusted under subparagraph (A) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100. If any amount under subsection (d)(1) as adjusted under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.'',

(14) by inserting ''OF LIFETIME LEARNING CREDIT'' after ''INCOME LIMITS'' in the heading of paragraph (2) of subsection (h),

(15) by adding at the end of subsection (b) the following new paragraphs:

''(4) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this subsection and sections 25D, 30, 30B, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 25B, 26, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the American Opportunity Credit.

''(5) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the American Opportunity Credit (determined after the application of subsection (d)(1) and without regard to this paragraph and section 26(a)(2) or paragraph (4), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.'', and

(16) by striking subsection (i) and redesignating subsection (j) as subsection (i).

(b) HOPE SCHOLARSHIP CREDIT RENAMED AMERICAN OPPORTUNITY CREDIT.—

(1) IN GENERAL.—Section 25A, as amended by subsection (a), is amended by striking ''Hope Scholarship'' each place it appears in the text and in the headings and inserting ''American Opportunity''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for section 25A is amendment by striking ''**HOPE**'' and inserting ''**AMERICAN OPPORTUNITY**''.

(B) The heading for clause (v) of section 529(c)(3)(B) is amended by striking ''HOPE'' and inserting ''AMERICAN OPPORTUNITY''.

(C) The heading for subparagraph (C) of section 530(d)(2) is amended by striking ''HOPE'' and inserting ''AMERICAN OPPORTUNITY''.

(D) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking ''Hope'' and inserting ''American Opportunity''.

(c) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(2) Section 25(e)(1)(C)(ii) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(3) Section 26(a)(1) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(4) Section 25B(g)(2) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(5) Section 904(i) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(6) Section 1400C(d)(2) is amended by striking ''25A(i)'' and inserting ''25A(b)''.

(7) Section 6211(b)(4)(A) is amended by striking ''25A by reason of subsection (i)(6) thereof'' and inserting ''25A by reason of subsection (b)(5) thereof''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

(e) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''in 2009 and 2010'' each place it appears and inserting ''after 2008''.

SEC. 208. REPEAL OF SUNSET ON ALLOWANCE OF COMPUTER TECHNOLOGY AND EQUIPMENT AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS.

(a) IN GENERAL.—Clause (iii) of section 529(e)(3)(A) is amended by striking ''in 2009 or 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid or incurred after December 31, 2010.

TITLE III—PERMANENT ESTATE TAX RELIEF

SEC. 301. REPEAL OF EGTRRA SUNSET.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

SEC. 302. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after the date of the introduction of this Act, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as if such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING BEFORE DATE OF ENACTMENT.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by this section do not apply with respect to such estate and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) receiving any disclaimer described in section 2518(b) of such Code,

shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping tax made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 4 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers, after December 31, 2009.

SEC. 303. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) $3,500,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) 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 such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''but not over $2,000,000'' in the table contained in paragraph (1),

(B) by striking the last 2 items in such table,

(C) by striking ''(1) IN GENERAL.—'', and

(D) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) INFLATION ADJUSTMENT FOR APPLICABLE EXCLUSION AMOUNT FOR GIFT TAX.—Section 2505 is amended by adding at the end the following new subsection:

''(d) INFLATION ADJUSTMENT.—In the case of any calendar year after 2010, the dollar amount in subsection (a)(1) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MODIFICATION OF GIFT TAX RATE.—On and after the date of the introduction of this Act, subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(3) CONFORMING AMENDMENT.—Section 2511 of the Internal Revenue Code of 1986 is amended by striking subsection (c).

(4) PERIOD OF REPEAL TREATED AS SEPARATE CALENDAR YEAR.—

(A) IN GENERAL.—For purposes of applying sections 1015, 2502, and 2505 of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as 2 separate calendar years one of which ends on the day before the date of the introduction of this Act and the other of which begins on such date of introduction.

(B) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, calendar year 2010 shall be treated as one preceding calendar period.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the introduction of this Act, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).''.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

SEC. 304. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.

(a) IN GENERAL.—Section 2010(c), as amended by section 303(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $3,500,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2010, the dollar amount in subparagraph (A) 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 such calendar year by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying on or after the date of the enactment of theMiddle Class Tax Cut Act of 2010, the term 'deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the excess of—

''(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

''(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(5) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a) is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) (determined as if the applicable exclusion amount were $1,000,000) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, on and after the date of the enactment of this Act.

SEC. 305. EXCLUSION FROM GROSS ESTATE OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

(a) IN GENERAL.—Part III of subchapter A of chapter 11 is amended by inserting after section 2033 the following new section:

''SEC. 2033A. EXCLUSION OF CERTAIN FARMLAND SO LONG AS FARMLAND USE BY FAMILY CONTINUES.

''(a) IN GENERAL.—In the case of an estate of a decedent to which this section applies, the value of the gross estate shall not include the adjusted value of qualified farmland included in the estate.

''(b) ESTATES TO WHICH SECTION APPLIES.—This section shall apply to an estate if—

''(1) the executor—

''(A) elects the application of this section,

''(B) files an agreement referred to in section 2032A(d)(2), and

''(C) obtains a qualified appraisal (as defined in section 170(f)(11)(E)(i)) of the qualified farmland to which the election applies and attaches such appraisal to the return of the tax imposed by section 2001,

''(2) the decedent was (at the date of the decedent's death) a citizen or resident of the United States,

''(3) the decedent for the 3-taxable-year period (10-taxable-year period in the case of any qualified farmland which is qualified woodland described in section 2032A(c)(2)(F)(i)) preceding the date of the decedent's death had an average modified adjusted gross income (as defined in section 86(b)(2)) not exceeding $750,000,

''(4) 60 percent or more of the adjusted value of the gross estate at the date of the decedent's death consists of the adjusted value of real or personal property which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

''(5) 50 percent or more of the adjusted value of the gross estate consists of the adjusted value of qualified farmland which is real property, and

''(6) during the 10-year period ending on the date of the decedent's death—

''(A) the qualified farmland which is such real property was owned by the decedent or a member of the decedent's family, and

''(B) there was material participation (within the meaning of section 469(h)) by the decedent or a member of the decedent's family in the operation of such farmland.

''(c) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED FARMLAND.—The term 'qualified farmland' means any real property—

''(A) which is located in the United States,

''(B) which is used as a farm for farming purposes (within the meaning of section 2032A(e)),

''(C) such use of which is not an activity not engaged in for profit (within the meaning of section 183),

''(D) which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being so used by the decedent or a member of the decedent's family, and

''(E) which is property designated in the agreement filed under subsection (b)(1).

''(2) ADJUSTED VALUE.—The term 'adjusted value' means the value of farmland for purposes of this chapter (determined without regard to this section), reduced by any amounts allowable as a deduction in respect to such farmland under paragraph (3) or (4) of section 2053(a).

''(3) OTHER TERMS.—Any other term used in this section which is also used in section 2032A shall have the same meaning given such term by section 2032A.

''(d) ANNUAL INFORMATION RETURN TO THE SECRETARY.—

''(1) IN GENERAL.—The qualified heir of any qualified farmland shall file an information return (at such time and in such form and manner as the Secretary prescribes) for each calendar year.

''(2) CONTENTS OF RETURN.—The information return required under paragraph (1) shall set forth any disposition of any interest in such farmland or any cessation of use of such farmland as a farm for farming purposes and such other information as the Secretary may require.

''(e) IMPOSITION OF RECAPTURE TAX.—

''(1) IN GENERAL.—If—

''(A) at any time after the decedent's death and before the death of the qualified heir—

''(i) the qualified heir disposes of any interest in qualified farmland (other than by a disposition to a member of the qualified heir's family),

''(ii) the qualified heir or member ceases to use the qualified farmland as a farm for farming purposes,

''(iii) the qualified heir or member incurs a nonrecourse indebtedness secured in whole or in part by a portion of the qualified farmland, or

''(iv) the qualified heir or member fails to file the information return with respect to the qualified farmland required under subsection (d) for 3 successive calendar years, or

''(B) upon the death of the qualified heir or member, the executor of the estate of such heir or member does not elect the application of this section with respect to the qualified farmland,

then, there is hereby imposed a recapture tax with respect to such qualified farmland or such interest in or portion of such qualified farmland.

''(2) APPLICATION OF RECAPTURE TAX TO EARLIER GENERATIONS.—Upon the imposition of a recapture tax under paragraph (1) with respect to such qualified farmland or such interest in or portion of such qualified farmland, there is also imposed an aggregate amount of any recapture tax which would have been determined under this subsection with respect to such farmland, interest, or portion if the such tax had been imposed and paid on the date of death of the decedent and on the date of death of any qualified heir (or member) of such farmland, interest, or portion in any intervening generation.

''(3) AMOUNT OF RECAPTURE TAX, ETC.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), rules similar to the rules of section 2032A(c) (other than paragraphs (1) and (2)(E) thereof) with respect to the additional estate tax shall apply for purposes of this subsection with respect to each recapture tax.

''(B) ADJUSTMENTS TO RECAPTURE TAX.—

''(i) ADJUSTMENT TO REFLECT INCREASE IN VALUE OF INTEREST.—Subject to clause (ii), the amount of the recapture tax otherwise determined under rules described in subparagraph (A) shall be increased by the percentage (if any) by which the value of the interest in the qualified farmland at the time of the imposition of such tax is greater than the adjusted value of such farmland at the time such farmland would have been included in the estate if no election under this section had been made.

''(ii) ADJUSTMENTS TO VALUE OF INTEREST AT TIME OF TAX IMPOSITION.—For purposes of determining the value of the interest in the qualified farmland at the time of the imposition of such tax, such value shall be reduced (under rules prescribed by the Secretary) by—

''(I) the basis of any substantial improvements made with respect to such interest by the qualified heir or member, and

''(II) the aggregate amount of any recapture tax imposed under paragraph (2).

''(f) APPLICATION OF OTHER RULES.—Rules similar to the rules of subsections (d), (e) (other than paragraphs (6) and (13) thereof), (f), (g), (h), and (i) of section 2032A shall apply for purposes of this section.

''(g) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including the application of this section in the case of multiple interests in qualified farmland, and to prevent fraud and abuse under this section.''.

(b) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—Section 1014 is amended by adding at the end the following new subsection:

''(f) BASIS OF QUALIFIED FARMLAND FOR PURPOSES OF DEPRECIATION OR DEPLETION BY QUALIFIED HEIR.—For purposes of the allowance to any qualified heir of any depreciation or depletion deduction with respect to any interest in property acquired from a decedent and subject to an election under section 2033A, the basis of such property in the hands of such qualified heir (or member of the qualified heir's family after a disposition described in section 2033A(e)(1)(A)(i)) shall be the adjusted basis of such property in the hands of the decedent immediately before the death of such decedent.''.

(c) PENALTY FOR FAILURE TO FILE ANNUAL INFORMATION RETURN.—Section 6652 is amended by redesignating subsection (m) as subsection (n) and by adding at the end the following new subsection:

''(m) FAILURE TO FILE ANNUAL INFORMATION RETURN.—In the case of each failure to provide an information return as required under section 2033A(d) at the time prescribed therefor, unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall be paid, on notice and demand of the Secretary and in the same manner as tax, by the person failing to provide such return, an amount equal to $250 for each such failure.''.

(d) WOODLANDS SUBJECT TO MANAGEMENT PLAN.—Paragraph (2) of section 2032A(c) is amended by adding at the end the following new subparagraph:

''(F) EXCEPTION FOR WOODLANDS SUBJECT TO FOREST STEWARDSHIP PLAN.—

''(i) IN GENERAL.—Subparagraph (E) shall not apply to any disposition or severance of standing timber on a qualified woodland that is made pursuant to a forest stewardship plan developed under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a) or an equivalent plan approved by the State Forester.

''(ii) COMPLIANCE WITH FOREST STEWARDSHIP PLAN.—Clause (i) shall not apply if, during the 10-year period under paragraph (1), the qualified heir fails to comply with such forest stewardship plan or equivalent plan.''.

(e) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—Paragraph (8) of section 2032A(c) is amended to read as follows:

''(8) CERTAIN CONSERVATION TRANSACTIONS NOT TREATED AS DISPOSITIONS.—

''(A) QUALIFIED CONSERVATION CONTRIBUTIONS.—A qualified conservation contribution by gift or otherwise shall not be deemed a disposition under subsection (c)(1)(A).

''(B) QUALIFIED CONSERVATION EASEMENT SOLD TO QUALIFIED ORGANIZATION.—A sale of a qualified conservation easement to a qualified organization shall not be deemed a disposition under subsection (c)(1)(A).

''(C) DEFINITIONS.—For purposes of this paragraph—

''(i) the terms 'qualified conservation contribution' and 'qualified organization' have the meanings given such terms by section 170(h), and

''(ii) the term 'qualified conservation easement' has the meaning given such term by section 2031(c)(8).''.

(f) CLERICAL AMENDMENT.—The table of sections for part III of subchapter A of chapter 11 is amended by inserting after the item relating to section 2033 the following new item:

''Sec. 2033A. Exclusion of certain farmland so long as use as farmland continues.''.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 306. INCREASE IN LIMITATIONS ON THE AMOUNT EXCLUDED FROM THE GROSS ESTATE WITH RESPECT TO LAND SUBJECT TO A QUALIFIED CONSERVATION EASEMENT.

(a) INCREASE IN DOLLAR LIMITATION ON EXCLUSION.—Paragraph (3) of section 2031(c) is amended by striking ''the exclusion limitation is'' and all that follows and inserting ''the exclusion limitation is $5,000,000.''.

(b) INCREASE IN PERCENTAGE OF VALUE OF LAND WHICH IS EXCLUDABLE.—Paragraph (2) of section 2031(c) is amended—

(1) by striking ''40 percent'' and inserting ''50 percent'', and

(2) by striking ''2 percentage points'' and inserting ''2.5 percentage points''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying after the date of the enactment of this Act.

SEC. 307. MODIFICATION OF RULES FOR VALUE OF CERTAIN FARM, ETC., REAL PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 2032A(a) is amended by striking ''$750,000'' and inserting ''$3,500,000''.

(b) INFLATION ADJUSTMENT.—Paragraph (3) of section 2032A(a) is amended—

(1) by striking ''1998'' and inserting ''2010'',

(2) by striking ''$750,000'' and inserting ''$3,500,000'' in subparagraph (A), and

(3) by striking ''calendar year 1997'' and inserting ''calendar year 2009'' in subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and gifts made, after December 31, 2009.

SEC. 308. REQUIRED MINIMUM 10-YEAR TERM, ETC., FOR GRANTOR RETAINED ANNUITY TRUSTS.

(a) IN GENERAL.—Subsection (b) of section 2702 is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and by moving such subparagraphs (as so redesignated) 2 ems to the right;

(2) by striking ''For purposes of'' and inserting the following:

''(1) IN GENERAL.—For purposes of'';

(3) by striking ''paragraph (1) or (2)'' in paragraph (1)(C) (as so redesignated) and inserting ''subparagraph (A) or (B)''; and

(4) by adding at the end the following new paragraph:

''(2) ADDITIONAL REQUIREMENTS WITH RESPECT TO GRANTOR RETAINED ANNUITIES.—For purposes of subsection (a), in the case of an interest described in paragraph (1)(A) (determined without regard to this paragraph) which is retained by the transferor, such interest shall be treated as described in such paragraph only if—

''(A) the right to receive the fixed amounts referred to in such paragraph is for a term of not less than 10 years,

''(B) such fixed amounts, when determined on an annual basis, do not decrease relative to any prior year during the first 10 years of the term referred to in subparagraph (A), and

''(C) the remainder interest has a value greater than zero determined as of the time of the transfer.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

SEC. 309. CONSISTENT BASIS REPORTING BETWEEN ESTATE AND PERSON ACQUIRING PROPERTY FROM DECEDENT.

(a) CONSISTENT USE OF BASIS.—

(1) PROPERTY ACQUIRED FROM A DECEDENT.—Section 1014 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH ESTATE TAX VALUE.—

''(1) IN GENERAL.—For purposes of this section, the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the value of such interest as finally determined for purposes of chapter 11.

''(2) SPECIAL RULE WHERE NO FINAL DETERMINATION.—In any case in which the value of property has not been finally determined under chapter 11 and there has been a statement furnished under section 6035(a), the value used to determine the basis of any interest in property in the hands of the person acquiring such property shall not exceed the amount reported on the statement furnished under section 6035(a).

''(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.''.

(2) PROPERTY ACQUIRED BY GIFTS AND TRANSFERS IN TRUST.—Section 1015 is amended by adding at the end the following new subsection:

''(f) BASIS MUST BE CONSISTENT WITH GIFT TAX VALUE.—

''(1) IN GENERAL.—For purposes of this section, the fair market value of any interest in property at the time of the gift of that interest shall not exceed the value of such interest as finally determined for purposes of chapter 12.

''(2) SPECIAL RULE WHERE NO FINAL DETERMINATION.—In any case in which the value of property has not been finally determined under chapter 12 and there has been a statement furnished under section 6035(b), the fair market value of any interest in property at the time of the gift of that interest shall not exceed the amount reported on the statement furnished under section 6035(b).

''(3) REGULATIONS.—The Secretary may by regulations provide exceptions to the application of this subsection.''.

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6034A the following new section:

''SEC. 6035. BASIS INFORMATION TO PERSONS ACQUIRING PROPERTY FROM DECEDENT OR BY GIFT.

''(a) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED FROM DECEDENTS.—

''(1) IN GENERAL.—The executor of any estate required to file a return under section 6018(a) shall furnish to the Secretary and to each person acquiring any interest in property included in the decedent's gross estate for Federal estate tax purposes a statement identifying the value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

''(2) STATEMENTS BY BENEFICIARIES.—Each person required to file a return under section 6018(b) shall furnish to the Secretary and to each other person who holds a legal or beneficial interest in the property to which such return relates a statement identifying the information described in paragraph (1).

''(3) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) or (2) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

''(i) the date which is 30 days after the date on which the return under section 6018 was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) or (2) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(b) INFORMATION WITH RESPECT TO PROPERTY ACQUIRED BY GIFT.—

''(1) IN GENERAL.—Each person making a transfer by gift who is required to file a return under section 6019 with respect to such transfer shall furnish to the Secretary and to each person acquiring any interest in property by reason of such transfer a statement identifying the fair market value of each interest in such property as reported on such return and such other information with respect to such interest as the Secretary may prescribe.

''(2) TIME FOR FURNISHING STATEMENT.—

''(A) IN GENERAL.—Each statement required to be furnished under paragraph (1) shall be furnished at such time as the Secretary may prescribe, but in no case at a time later than the earlier of—

''(i) the date which is 30 days after the date on which the return under section 6019 was required to be filed (including extensions, if any), or

''(ii) the date which is 30 days after the date such return is filed.

''(B) ADJUSTMENTS.—In any case in which there is an adjustment to the information required to be included on a statement filed under paragraph (1) after such statement has been filed, a supplemental statement under such paragraph shall be filed not later than the date which is 30 days after such adjustment is made.

''(c) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to carry out this section, including regulations relating to—

''(1) applying this section to property with regard to which no estate or gift tax return is required to be filed, and

''(2) situations in which the surviving joint tenant or other recipient may have better information than the executor regarding the basis or fair market value of the property.''.

(2) PENALTY FOR FAILURE TO FILE.—

(A) RETURN.—Section 6724(d)(1) is amended by striking ''and'' at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting '', and'', and by adding at the end the following new subparagraph:

''(D) any statement required to be filed with the Secretary under section 6035.''.

(B) STATEMENT.—Section 6724(d)(2) is amended by striking ''or'' at the end of subparagraph (GG), by striking the period at the end of subparagraph (HH) and inserting '', or'', and by adding at the end the following new subparagraph:

''(II) section 6035 (other than a statement described in paragraph (1)(D)).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6034A the following new item:

''Sec. 6035. Basis information to persons acquiring property from decedent or by gift.''.

(c) PENALTY FOR INCONSISTENT REPORTING.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (7) the following new paragraph:

''(8) Any inconsistent estate or gift basis.''.

(2) INCONSISTENT BASIS REPORTING.—Section 6662 is amended by adding at the end the following new subsection:

''(k) INCONSISTENT ESTATE OR GIFT BASIS REPORTING.—For purposes of this section, the term 'inconsistent estate or gift basis' means—

''(1) in the case of property acquired from a decedent, a basis determination with respect to such property which is not consistent with the requirements of section 1014(f), and

''(2) in the case of property acquired by gift, a basis determination with respect to such property which is not consistent with the requirements of section 1015(f).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers for which returns are filed after the date of the enactment of this Act.

TITLE IV—PERMANENT SMALL BUSINESS TAX RELIEF

SEC. 401. REPEAL OF SUNSET ON INCREASED LIMITATIONS ON SMALL BUSINESS EXPENSING.

(a) IN GENERAL.—Subsection (b) of section 179, as amended by the Small Business Jobs Act of 2010, is amended—

(1) by striking ''$25,000'' in paragraph (1)(C) and inserting ''$125,000.'', and

(2) by striking ''$200,000'' in paragraph (2)(C) and inserting ''$500,000.''.

(b) INFLATION ADJUSTMENT.—Section 179(b) is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning after 2011, the $125,000 amount in paragraph (1)(C) and the $500,000 amount in paragraph (2)(C) shall each 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 in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(c) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii), as amended by the Small Business Jobs Act of 2010, is amended by striking ''and before 2012''.

(d) REVOCATION OF ELECTION MADE PERMANENT.—Section 179(c)(2), as amended by the Small Business Jobs Act of 2010, is amended to read as follows:

''(2) REVOCATION OF ELECTION.—Any election made under this section, and any specification contained in any such election, may be revoked by the taxpayer with respect to any property, and such revocation, once made, shall be irrevocable.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE V—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 501. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$70,950'' and all that follows through ''2009'' in subparagraph (A) and inserting ''$72,450 in the case of taxable years beginning in 2010 and $74,450 in the case of taxable years beginning in 2011'', and

(2) by striking ''$46,700'' and all that follows through ''2009'' in subparagraph (B) and inserting ''$47,450 in the case of taxable years beginning in 2010 and $48,450 in the case of taxable years beginning in 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 502. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2009'' and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

TITLE VI—TEMPORARY EXTENSION OF CERTAIN PROVISIONS EXPIRING IN 2009

Subtitle A—Infrastructure Incentives

SEC. 601. EXTENSION OF BUILD AMERICA BONDS.

(a) IN GENERAL.—Subparagraph (B) of section 54AA(d)(1) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EXTENSION OF PAYMENTS TO ISSUERS.—

(1) IN GENERAL.—Section 6431 is amended—

(A) by striking ''January 1, 2011'' in subsection (a) and inserting ''January 1, 2012''; and

(B) by striking ''January 1, 2011'' in subsection (f)(1)(B) and inserting ''a particular date''.

(2) CONFORMING AMENDMENTS.—Subsection (g) of section 54AA is amended—

(A) by striking ''January 1, 2011'' and inserting ''January 1, 2012''; and

(B) by striking ''QUALIFIED BONDS ISSUED BEFORE 2011'' in the heading and inserting ''CERTAIN QUALIFIED BONDS''.

(c) REDUCTION IN PERCENTAGE OF PAYMENTS TO ISSUERS.—Subsection (b) of section 6431 is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''35 percent'' and inserting ''the applicable percentage''; and

(3) by adding at the end the following new paragraph:

''(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:

''In the case of a qualified bond issued during calendar year:	The applicable percentage is:
2009 or 2010	35 percent
2011	32 percent.''.

(d) CURRENT REFUNDINGS PERMITTED.—Subsection (g) of section 54AA is amended by adding at the end the following new paragraph:

''(3) TREATMENT OF CURRENT REFUNDING BONDS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified bond' includes any bond (or series of bonds) issued to refund a qualified bond if—

''(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

''(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

''(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond.

''(B) APPLICABLE PERCENTAGE.—In the case of a refunding bond referred to in subparagraph (A), the applicable percentage with respect to such bond under section 6431(b) shall be the lowest percentage specified in paragraph (2) of such section.

''(C) DETERMINATION OF AVERAGE MATURITY.—For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2)(A).''.

SEC. 602. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 603. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 604. EXTENSION AND ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY.

(a) EXTENSION OF RECOVERY ZONE BOND AUTHORITY.—Section 1400U–2(b)(1) and section 1400U–3(b)(1)(B) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) ADDITIONAL ALLOCATIONS OF RECOVERY ZONE BOND AUTHORITY BASED ON UNEMPLOYMENT.—Section 1400U–1 is amended by adding at the end the following new subsection:

''(c) ALLOCATION OF 2010 RECOVERY ZONE BOND LIMITATIONS BASED ON UNEMPLOYMENT.—

''(1) IN GENERAL.—The Secretary shall allocate the 2010 national recovery zone economic development bond limitation and the 2010 national recovery zone facility bond limitation among the States in the proportion that each such State's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all of the States.

''(2) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under paragraph (1) for each State to the extent necessary to ensure that no State (prior to any reduction under paragraph (3)) receives less than 0.9 percent of the 2010 national recovery zone economic development bond limitation and 0.9 percent of the 2010 national recovery zone facility bond limitation.

''(3) ALLOCATIONS BY STATES.—

''(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities (as defined in subsection (a)(3)(B)) in such State in the proportion that each such county's or municipality's 2009 unemployment number bears to the aggregate of the 2009 unemployment numbers for all the counties and large municipalities (as so defined) in such State.

''(B) 2010 ALLOCATION REDUCED BY AMOUNT OF PREVIOUS ALLOCATION.—Each State shall reduce (but not below zero)—

''(i) the amount of the 2010 national recovery zone economic development bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone economic development bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof), and

''(ii) the amount of the 2010 national recovery zone facility bond limitation allocated to each county or large municipality (as so defined) in such State by the amount of the national recovery zone facility bond limitation allocated to such county or large municipality under subsection (a)(3)(A) (determined without regard to any waiver thereof).

''(C) WAIVER OF SUBALLOCATIONS.—A county or municipality may waive any portion of an allocation made under this paragraph. A county or municipality shall be treated as having waived any portion of an allocation made under this paragraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this subparagraph may be used or reallocated by the State.

''(D) SPECIAL RULE FOR A MUNICIPALITY IN A COUNTY.—In the case of any large municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

''(4) 2009 UNEMPLOYMENT NUMBER.—For purposes of this subsection, the term '2009 unemployment number' means, with respect to any State, county or municipality, the number of individuals in such State, county, or municipality who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

''(5) 2010 NATIONAL LIMITATIONS.—

''(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—The 2010 national recovery zone economic development bond limitation is $10,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–2 in the same manner as an allocation of national recovery zone economic development bond limitation.

''(B) RECOVERY ZONE FACILITY BONDS.—The 2010 national recovery zone facility bond limitation is $15,000,000,000. Any allocation of such limitation under this subsection shall be treated for purposes of section 1400U–3 in the same manner as an allocation of national recovery zone facility bond limitation.''.

(c) AUTHORITY OF STATE TO WAIVE CERTAIN 2009 ALLOCATIONS.—Subparagraph (A) of section 1400U–1(a)(3) is amended by adding at the end the following: ''A county or municipality shall be treated as having waived any portion of an allocation made under this subparagraph which has not been allocated to a bond issued before May 1, 2011. Any allocation waived (or treated as waived) under this

subparagraph may be used or reallocated by the State.''.

SEC. 605. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2013,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 606. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 607. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle B—Energy

SEC. 611. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 612. 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, 2011''.

(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, 2011''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 613. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended—

(1) by striking ''5-year period'' and inserting ''7-year period''; and

(2) by adding at the end the following: ''In the case of the next-to-last year of the 7-year period described in the preceding sentence, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 80 percent of such credit determined without regard to this sentence. In the case of the last year of such 7-year period, the credit determined under subsection (a) with respect to electricity produced during such year shall not exceed 60 percent of such credit determined without regard to this sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 614. CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 3 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 ''2012''.

(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 apply to fuel produced and sold after September 30, 2008.

(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. 615. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 616. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 617. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of paragraph (2), and

''(C) December 31, 2009, in any other case.''.

(b) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''after December 31, 2009'' and all that follows and inserting ''after—

''(A) September 30, 2014, in the case of liquefied hydrogen,

''(B) December 31, 2011, in the case of fuels described in subparagraph (A), (C), (F), or (G) of subsection (d)(2), and

''(C) December 31, 2009, in any other case.''.

(c) PAYMENT AUTHORITY.—

(1) IN GENERAL.—Paragraph (6) of section 6427(e) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting '', and'', and by adding at the end the following new subparagraph:

''(E) any alternative fuel or alternative fuel mixture (as so defined) involving fuel described in subparagraph (A), (C), (F), or (G) of section 6426(d)(2) sold or used after December 31, 2011.''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6427(e)(6) is amended by inserting ''or (E)'' after ''subparagraph (D)''.

(d) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 618. 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, 2012''.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

''(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

''(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission's rules applicable to independent transmission providers, and''.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 619. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 620. CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) EXTENSION.—

(1) IN GENERAL.—Section 25C(g)(2) is amended by striking ''2010'' and inserting ''2011''.

(2) LIMITATION.—Section 25C(b) is amended by striking ''and 2010'' and inserting '', 2010, and 2011''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2010.

(b) MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) 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), and

''(B) 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.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2010.

Subtitle C—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 631. 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, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 632. 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, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 633. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 634. 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, 2011''.

(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, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 635. 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, 2011''.

(b) APPLICATION AND EXTENSION OF EGTRRA SUNSET.—Notwithstanding section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001, such section shall apply to the amendments made by this section and the amendments made by section 431 of such Act by substituting ''December 31, 2011'' for ''December 31, 2010'' in subsection (a)(1) thereof.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

(d) TEMPORARY COORDINATION WITH SECTION 25A.—In the case of any taxpayer for any taxable year beginning in 2010 or 2011, no deduction shall be allowed under section 222 of the Internal Revenue Code of 1986 if—

(1) the taxpayer's net Federal income tax reduction which would be attributable to such deduction for such taxable year, is less than

(2) the credit which would be allowed to the taxpayer for such taxable year under section 25A of such Code (determined without regard to sections 25A(e) and 26 of such Code).

SEC. 636. 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, 2011''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of qualified charitable distributions under section 408(d)(8) of the Internal Revenue Code of 1986 with respect to taxable years beginning in 2010, a taxpayer shall be deemed to have made such a distribution on the last day of such taxable year if the distribution is made not later than January 31, 2011.

SEC. 637. 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, 2011''.

(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. 641. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's low-income housing refundable credit election amount for the applicable calendar year, which shall be payable by the Secretary as provided in paragraph (5).

''(2) LOW-INCOME HOUSING GRANT ELECTION AMOUNT.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'low-income housing grant election amount' means, with respect to any State for any applicable calendar year, such amount as the State may elect which does not exceed 85 percent of the product of—

''(i) the sum of—

''(I) 100 percent of the State housing credit ceiling for such applicable calendar year which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase for such applicable calendar year attributable to section 1400N(c) (including credits made available under such section as 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 such applicable calendar year which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for the calendar year preceding such applicable calendar year attributable to the application of such section 702(d)(2) and 704(b), multiplied by

''(ii) 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) of such Code shall be applied without regard to clause (i).

''(B) APPLICABLE CALENDAR YEAR.—The term 'applicable calendar year' means calendar years 2010 and 2011.

''(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 of the second calendar year after the applicable calendar year' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36C,''.

SEC. 642. 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 for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as 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 credits for 2009 attributable to 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.

Subtitle D—Business Tax Relief

SEC. 651. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 652. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 653. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting '', 2010, and 2011'' after ''2009''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

SEC. 654. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(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. 655. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 105, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45N,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 656. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 657. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 658. 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, 2012''.

(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).

(3) Section 179(f)(2) is amended—

(A) by striking ''(without regard to the dates specified in subparagraph (A)(i) thereof)'' in subparagraph (B), and

(B) by striking ''(without regard to subparagraph (E) thereof)'' in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 659. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 660. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 661. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 662. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 663. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 664. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 665. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 666. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 667. 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 6 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 668. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 669. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 670. 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, 2011.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking ''the first taxable year beginning after the date of the enactment of this subparagraph'' and inserting ''a taxable year beginning on or before the termination date''.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting ''in taxable years beginning'' after ''dispositions''.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting ''in a taxable year beginning'' after ''sale''.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting ''in a taxable year beginning'' after ''In the case of a sale''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 671. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 672. 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, 2011''.

(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. 673. 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, 2012''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(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. 674. 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, 2012''.

(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. 675. 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, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

SEC. 676. 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, 2011''; 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, 2016''; and

(2) by striking ''2014'' in the heading and inserting ''2016''.

(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. 677. 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, 2011''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(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, 2012''.

(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, 2016''; and

(ii) by striking ''2014'' in the heading and inserting ''2016''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(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. 678. 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, 2011''; and

(2) by striking ''January 1, 2010'' in paragraph (3) and inserting ''January 1, 2012''.

(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, 2012''.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(B) by striking ''2014'' in the heading and inserting ''2016''.

(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, 2012''.

(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. 679. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 680. 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 6 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 681. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

''(7) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

''(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

''(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

''(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

''(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

''(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

''(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''53(g),'' after ''53(e),''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''53(g),'' after ''53(e),''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 682. 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, 2011.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 683. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than December 15, 2011, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle E—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 691. 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, 2012''.

(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, 2012''.

(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. 692. 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, 2012''.

(b) $500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(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. 693. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 694. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 695. 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, 2012''.

(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. 696. 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. 697. 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, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 698. 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. 699. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 700. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

TITLE VII—TECHNICAL CORRECTIONS TO PENSION FUNDING LEGISLATION

SEC. 701. DEFINITION OF ELIGIBLE PLAN YEAR.

(a) AMENDMENT TO ERISA.—Clause (v) of section 303(c)(2)(D) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)(2)(D)), as added by section 201(a)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking ''on or after the date of the enactment of this subparagraph'' and inserting ''on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)'', and

(2) by adding at the end the following new sentence: ''For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 of the Internal Revenue Code of 1986 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

''(C) there are no outstanding liens in favor of the plan under subsection (k), and

''(D) the plan sponsor has not initiated a distress termination of the plan under section 4041.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Clause (v) of section 430(c)(2)(D) of the Internal Revenue Code of 1986, as added by section 201(b)(1) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended—

(1) by striking ''on or after the date of the enactment of this subparagraph'' and inserting ''on or after June 25, 2010 (March 10, 2010, in the case of an eligible plan)'', and

(2) by adding at the end the following new sentence: ''For purposes of the preceding sentence, a plan shall be treated as an eligible plan only if, as of the date of the election with respect to the plan under clause (i)—

''(A) the plan sponsor is not a debtor in a case under title 11, United States Code, or similar Federal or State law,

''(B) there are no unpaid minimum required contributions with respect to the plan for purposes of section 4971 (imposing an excise tax when minimum required contributions are not paid by the due date for the plan year),

''(C) there are no outstanding liens in favor of the plan under subsection (k), and

''(D) the plan sponsor has not initiated a distress termination of the plan under section 4041 of the Employee Retirement Income Security Act of 1974.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by the provisions of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendments relate.

SEC. 702. ELIGIBLE CHARITY PLANS.

(a) DEFINITION OF ELIGIBLE CHARITY PLANS.—

(1) IN GENERAL.—Section 104(d) of the Pension Protection Act of 2006, as added by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended to read as follows:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if—

''(1) the plan is maintained by one or more employers employing employees who are accruing benefits based on service for the plan year,

''(2) such employees are employed in at least 20 States,

''(3) more than 98 percent of such employees are employed by an employer described in section 501(c)(3) of such Code and the primary exempt purpose of each such employer is to provide services with respect to children, and

''(4) the plan sponsor elects (at such time and in such form and manner as shall be prescribed by the Secretary of the Treasury) to be so treated.

Any election under this subsection may be revoked only with the consent of the Secretary of the Treasury.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates (determined after application of the amendment made by subsection (c)), except that a plan sponsor may elect to apply such amendment to plan years beginning on or after January 1, 2011.

(b) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out the purposes of the amendments made by section 202(b) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 and the amendment made by subsection (a).

(c) APPLICATION OF NEW RULES TO ELIGIBLE CHARITY PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 202(c) of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 is amended to read as follows:

''(2) ELIGIBLE CHARITY PLANS.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2010, except that a plan sponsor may elect to apply such amendments to plan years beginning after an earlier date.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by the provision of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 to which the amendment relates.

SEC. 703. SUSPENSION OF CERTAIN FUNDING LEVEL LIMITATIONS.

(a) LIMITATIONS ON BENEFIT ACCRUALS.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) is amended—

(1) by striking ''the first plan year beginning during the period beginning on October 1, 2008, and ending on September 30, 2009'' and inserting ''any plan year beginning during the period beginning on October 1, 2008, and ending on December 31, 2011'';

(2) by striking ''substituting'' and all that follows through ''for such plan year'' and inserting ''substituting for such percentage the plan's adjusted funding target attainment percentage for the last plan year ending before September 30, 2009,''; and

(3) by striking ''for the preceding plan year is greater'' and inserting ''for such last plan year is greater''.

(b) SOCIAL SECURITY LEVEL-INCOME OPTIONS.—

(1) ERISA AMENDMENT.—Section 206(g)(3)(E) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new sentence:

''For purposes of applying clause (i) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 204(b)(1)(G)).''.

(2) IRC AMENDMENT.—Section 436(d)(5) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: ''For purposes of applying subparagraph (A) in the case of payments the annuity starting date for which occurs on or before December 31, 2011, payments under a social security leveling option shall be treated as not in excess of the monthly amount paid under a single life annuity (plus an amount not in excess of a social security supplement described in the last sentence of section 411(a)(9)).''.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to annuity payments the annuity starting date for which occurs on or after January 1, 2011.

(B) PERMITTED APPLICATION.—A plan shall not be treated as failing to meet the requirements of sections 206(g) of the Employee Retirement Income Security Act of 1974 (as amended by this subsection) and section 436(d) of the Internal Revenue Code of 1986 (as so amended) if the plan sponsor elects to apply the amendments made by this subsection to payments the annuity starting date for which occurs before January 1, 2011.

(c) REPEAL OF RELATED PROVISIONS.—The provisions of, and the amendments made by, section 203 of the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 are repealed and the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Worker, Retiree, and Employer Recovery Act of 2008 (Public Law 110–458; 122 Stat. 5118) shall be applied as if such section had never been enacted.

SEC. 704. OPTIONAL USE OF 30-YEAR AMORTIZATION PERIODS.

(a) AMENDMENT TO ERISA.—Paragraph (8) of section 304(b) of the Employee Retirement Income Security Act of 1974, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking ''after August 31, 2008'' each place it appears in subparagraphs (A)(i), (B)(i)(I), and (B)(i)(II), and inserting ''on or after June 30, 2008''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986 .—Paragraph (8) of section 431(b) of the Internal Revenue Code of 1986, as amended by the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010, is amended by striking ''after August 31, 2008'' each place it appears in subparagraphs (A)(i) and (B)(i)(I) and inserting ''on or after June 30, 2008''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—The amendments made by this section shall take effect as of the first day of the first plan year beginning on or after June 30, 2008, except that any election a plan sponsor makes pursuant to this section or the amendments made thereby that affects the plan's funding standard account for any plan year beginning before October 1, 2009, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to that plan year.

TITLE VIII—TEMPORARY EXTENSION OF CERTAIN PROVISIONS ENDING IN 2010 OR 2011

Subtitle A—Unemployment Benefits

SEC. 801. 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 ''November 30, 2010'' each place it appears and inserting ''January 3, 2012'';

(B) in the heading for subsection (b)(2), by striking ''NOVEMBER 30, 2010'' and inserting ''JANUARY 3, 2012''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''June 9, 2012''.

(2) 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 ''December 1, 2010'' each place it appears and inserting ''January 4, 2012''; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''June 11, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''June 10, 2012''.

(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 (E), by striking ''and'' at the end; and

(2) by inserting after subparagraph (F) the following:

''(G) the amendments made by section 2(a)(1) of the ; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 802. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A).''.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word ''both'' were 'all', and the figure '2' were '3' in clause (1)(A)(ii).''.

Subtitle B—Small Business

SEC. 811. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by inserting ''AND 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

SEC. 812. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting ''or 2011'' after ''2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to credits determined in taxable years beginning after December 31, 2010.

SEC. 813. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Paragraph (5) of section 38(c) is amended—

(1) by inserting ''or 2011'' after ''2010'' in subparagraph (A), and

(2) by inserting ''OR 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2010, and to carrybacks of such credits.

SEC. 814. EXTENSION OF INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES.

(a) START-UP EXPENDITURES.—Paragraph (3) of section 195(b) is amended—

(1) by inserting ''or 2011'' after ''2010'', and

(2) by inserting ''OR 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2010.

SEC. 815. EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Paragraph (4) of section 162(l) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

Subtitle C—Energy

SEC. 821. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011.''.

(b) CLARIFICATION OF DEFINITION OF ELECTRIC REFUELING PROPERTY.—Subparagraph (B) of section 179A(d)(3) is amended to read as follows:

''(B) exclusively used for the recharging of motor vehicles propelled by electricity (other than property used for the generation of electricity).''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to property placed in service after December 31, 2010.

(2) CLARIFICATION.—The amendment made by subsection (b) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 822. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

(a) IN GENERAL.—Chapter 65 is amended by adding at the end the following new subchapter:

"Subchapter C—Direct Payment Provisions

"Sec. 6451. Elective payment for specified energy property.

"SEC. 6451. ELECTIVE PAYMENT FOR SPECIFIED ENERGY PROPERTY.

"(a) ELECTIVE PAYMENT.—

"(1) IN GENERAL.—Any eligible person electing the application of this section with respect to any specified energy property originally placed in service by such person during the taxable year shall be treated as making a payment against the tax imposed by subtitle A for the taxable year equal to the applicable percentage of the basis of such property. 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.

"(2) ELIGIBILITY.—A person shall not be eligible to elect the application of this section unless such person has been certified as eligible by the Secretary, under such rules as the Secretary, in consultation with the Secretary of Energy, may prescribe.

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the term 'applicable percentage' means—

"(1) 30 percent in the case of any property described in paragraph (2)(A)(i) or (5) of section 48(a), and

"(2) 10 percent in the case of any other property.

"(c) DOLLAR LIMITATIONS.—In the case of property described in paragraph (1), (2), or (3) of section 48(c), the payment otherwise treated as made under subsection (a) with respect to such property shall not exceed the limitation applicable to such property under such paragraph.

"(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'specified energy property' means energy property (within the meaning of section 48) which—

"(A) is originally placed in service before January 1, 2012, or

"(B) is originally placed in service on or after such date and before the credit termination date with respect to such property, but only if the construction of such property began before January 1, 2012.

"(2) CREDIT TERMINATION DATE.—The term 'credit termination date' means—

"(A) in the case of any energy property which is part of a facility described in paragraph (1) of section 45(d), January 1, 2013,

"(B) in the case of any energy property which is part of a facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d), January 1, 2014, and

"(C) in the case of any energy property described in section 48(a)(3), January 1, 2017.

In the case of any property which is described in subparagraph (C) and also in another subparagraph of this paragraph, subparagraph (C) shall apply with respect to such property.

"(e) COORDINATION WITH PRODUCTION AND INVESTMENT CREDITS.—In the case of any property with respect to which an election is made under this section—

"(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under section 45 or 48 with respect to such property for the taxable year in which such property is originally placed in service or any subsequent taxable year.

"(2) REDUCTION OF PAYMENT BY PROGRESS EXPENDITURES ALREADY TAKEN INTO ACCOUNT.—The amount of the payment treated as made under subsection (a) with respect to such property shall be reduced by the aggregate amount of credits determined under section 48 with respect to such property for all taxable years preceding the taxable year in which such property is originally placed in service.

"(f) SPECIAL RULES FOR CERTAIN NON-TAXPAYERS.—

"(1) DENIAL OF PAYMENT.—Subsection (a) shall not apply with respect to any property originally placed in service by—

"(A) any governmental entity other than a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act), or

"(B) any organization described in section 501(c) (other than a mutual or cooperative electric company described in section 501(c)(12)) or 401(a) and exempt from tax under section 501(a).

"(2) EXCEPTION FOR PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—Paragraph (1) shall not apply with respect to any property originally placed in service by an entity described in section 511(a)(2) if substantially all of the income derived from such property by such entity is unrelated business taxable income (as defined in section 512).

"(3) SPECIAL RULES FOR PARTNERSHIPS AND S CORPORATIONS.—In the case of property originally placed in service by a partnership or an S corporation—

"(A) the election under subsection (a) may be made only by such partnership or S corporation,

"(B) such partnership or S corporation shall be treated as making the payment referred to in subsection (a) only to the extent of the proportionate share of such partnership or S corporation as is owned by persons who would be treated as making such payment if the property were originally placed in service by such persons, and

"(C) the return required to be made by such partnership or S corporation under section 6031 or 6037 (as the case may be) shall be treated as a return of tax for purposes of subsection (a).

For purposes of subparagraph (B), rules similar to the rules of section 168(h)(6) (other than subparagraph (F) thereof) shall apply. For purposes of applying such rules, the term 'tax-exempt entity' shall not include any entity which is a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act) or which is a mutual or cooperative electric company described in section 501(c)(12).

"(g) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) OTHER DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 shall have the same meanings for purposes of this section as when used in such sections.

"(2) APPLICATION OF RECAPTURE RULES, ETC.—Except as otherwise provided by the Secretary, rules similar to the rules of section 50 (other than paragraphs (1) and (2) of subsection (d) thereof), and section 1603 of the American Recovery and Reinvestment Act of 2009, shall apply.

"(3) EXCLUSION FROM GROSS INCOME.—Any credit or refund allowed or made by reason of this section shall not be includible in gross income or alternative minimum taxable income.

"(4) EXCEPTION FOR CERTAIN PROJECTS.—Subsection (a) shall not apply to any governmental unit or cooperative electric company (as defined in section 54(j)(1)) with respect to any specified energy property which is described in section 48(a)(5)(D) if such entity has issued any bond—

"(A) which is designated as a clean renewable energy bond under section 54 of the Internal Revenue Code of 1986 or as a new clean renewable energy bond under section 54C of such Code, and

"(B) the proceeds of which are used for expenditures in connection with the same qualified facility with respect to which such specified energy property is a part.

"(5) COORDINATION WITH GRANT PROGRAM.—If a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009 is made with respect to any specified energy property—

"(A) no election may be made under subsection (a) with respect to such property on or after the date of such grant, and

"(B) if such grant is made after such election, such property shall be treated as having ceased to be specified energy property immediately after such property was originally placed in service.".

(b) TREATMENT OF GRANTS FOR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) is amended by adding at the end the following new subparagraph:

"(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), subparagraph (A) shall be applied without taking into account any payment made by reason of section 6452.".

(c) CONFORMING AMENDMENTS RELATED TO DIRECT PAYMENT.—

(1) Subparagraph (A) of section 6211(b)(4)(A) is amended by inserting "and subchapter C of chapter 65 (including any payment treated as made under such subchapter)" after "6431".

(2) Subparagraph (B) of section 6425(c)(1) is amended—

(A) by striking "the credits" and inserting "the sum of—

"(i) the credits",

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting ", plus", and

(C) by adding at the end the following new clause:

"(ii) the payments treated as made under subchapter C of chapter 65.".

(3) Paragraph (3) of section 6654(f) is amended—

(A) by striking "the credits" and inserting "the sum of—

"(A) the credits",

(B) by striking the period at the end of subparagraph (A) thereof (as amended by this paragraph) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(B) the payments treated as made under subchapter C of chapter 65.".

(4) Subparagraph (B) of section 6655(g)(1) is amended—

(A) by striking "the credits" and inserting "the sum of—

"(i) the credits",

(B) by striking the period at the end of clause (i) thereof (as amended by this paragraph) and inserting ", plus", and

(C) by adding at the end the following new clause:

"(ii) the payments treated as made under subchapter C of chapter 65.".

(5) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ", or from the provisions of subchapter C of chapter 65 of such Code" before the period at the end.

(6) The table of subchapters for chapter 65 is amended by adding at the end the following new item:

"SUBCHAPTER C. DIRECT PAYMENT PROVISIONS.".

(d) CLARIFICATION OF APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.—The first sentence of section 1603(f) of the American Recovery and Reinvestment Tax Act of 2009 is amended by inserting "(other than subsection (d)(2) thereof)" after "section 50 of the Internal Revenue Code of 1986".

(e) TECHNICAL AMENDMENTS.—

(1) Paragraphs (1) and (2) of section 1603(a) of the American Recovery and Reinvestment Tax Act of 2009 are each amended by striking ''is placed in service'' and inserting ''is originally placed in service by such person''.

(2) Paragraph (1) of section 1603(d) of such Act is amended—

(A) by striking ''(within the meaning of section 45 of such Code)'', and

(B) by inserting before the period at the end the following: ''which would (but for section 48(d)(1) of such Code) be eligible for credit under section 45 of such Code (determined without regard to subsection (a)(2)(B) thereof)''.

(3) Subsection (f) of section 1603 of such Act, as amended by subsection (d), is amended—

(A) by striking the second sentence and inserting the following: ''In applying such rules, any increase in tax under chapter 1 of such Code by reason of the property being disposed of (or otherwise ceasing to be specified energy property) shall be imposed on the person to whom the grant was made.'',

(B) by striking ''In making grants under'' and inserting the following:

''(1) IN GENERAL.—In making grants under'', and

(C) by adding at the end following new paragraph:

''(2) SPECIAL RULES.—

''(A) RECAPTURE OF EXCESSIVE GRANT AMOUNTS.—If the amount of a grant made under this section exceeds the amount allowable as a grant under this section, such excess shall be recaptured under paragraph (1) as if the property to which such grant relates were disposed of immediately after such grant was made.

''(B) GRANT INFORMATION NOT TREATED AS RETURN INFORMATION.—For purposes of section 6103 of the Internal Revenue Code of 1986, in no event shall any of the following be treated as return information:

''(i) The amount of a grant made under subsection (a).

''(ii) The identity of the person to whom the grant was made.

''(iii) A description of the property with respect to which the grant was made.

''(iv) The fact and amount of any recapture.

''(v) The content of any report required by the Secretary of the Treasury to be filed in connection with the grant.''.

(4) Subsection (g) of section 1603 of such Act is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively,

(B) by moving such subparagraphs (as so redesignated) 2 ems to the right,

(C) by striking ''paragraph (1), (2), or (3)'' in subparagraph (D) (as so redesignated) and inserting ''subparagraphs (A), (B), or (C)'',

(D) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary'', and

(E) by adding at the end the following new paragraph:

''(2) EXCEPTION WHERE PROPERTY USED IN UNRELATED TRADE OR BUSINESS.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any person or entity described therein to the extent the grant is with respect to unrelated trade or business property.

''(B) UNRELATED TRADE OR BUSINESS PROPERTY.—For purposes of this paragraph, the term 'unrelated trade or business property' means any property with respect to which substantially all of the income derived therefrom by an organization described in section 511(a)(2) of the Internal Revenue Code of 1986 is subject to tax under section 511 of such Code.

''(C) INFORMATION WITH RESPECT TO PASS-THRUS.—In the case of a partnership or other pass-thru entity, partners or other holders of an equity or profits interest must provide to such partnership or entity such information as the Secretary may require to carry out the purposes of this subsection.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property originally placed in service after the date of the enactment of this Act.

(2) CLARIFICATION AND TECHNICAL AMENDMENTS.—The amendments made by subsections (d) and (e) shall take effect as if included in section 1603 of the American Recovery and Reinvestment Tax Act of 2009.

SEC. 823. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

(a) IN GENERAL.—Section 48C(d)(1)(B) is amended by striking ''$2,300,000,000'' and inserting ''$4,800,000,000''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations for applications submitted after December 31, 2010.

SEC. 824. NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

''(5) SECOND ADDITIONAL LIMITATION.—Subject to paragraph (4), the national new clean renewable energy bond limitation shall be increased by $1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to allocations after December 31, 2010.

SEC. 825. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED ALTERNATIVE FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (4) of section 30B(k) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2010.

SEC. 826. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking ''December 31, 2010'' in subparagraph (A) and inserting ''December 31, 2011'', and

(B) by striking ''January 1, 2011'' in subparagraph (B) and inserting ''January 1, 2012''.

(2) REDUCED AMOUNT FOR ETHANOL BLENDERS.—Subsection (h) of section 40 is amended—

(A) by striking ''2010'' in paragraph (1) and inserting ''2011'', and

(B) by striking the period at the end of the table contained in paragraph (2) and adding the following new item:

''2011	36 cents	26.66 cents.''.

(3) REDUCED RATE FOR SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(A) is amended by striking ''10 cents'' and inserting ''8 cents''.

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to periods after December 31, 2010.

(B) RATE FOR SMALL ETHANOL PRODUCERS.—The amendment made by paragraph (3) shall apply to the sale or use of alcohol after December 31, 2010.

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) REDUCED APPLICABLE AMOUNT FOR ETHANOL.—Subparagraph (A) of section 6426(b)(2) is amended—

(A) by striking ''and'' at the end of clause (i),

(B) in clause (ii)—

(i) by inserting ''and before 2011'' after ''after 2008'', and

(ii) by striking the period and inserting '', and'', and

(C) by adding at the end the following new clause:

''(iii) in the case of calendar years beginning after 2010, 36 cents.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2011'' and inserting ''1/1/2012''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

SEC. 827. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

''(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

''(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).''.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

''(F) $225 in the case of a clothes washer manufactured in calendar year 2011—

''(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

''(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.''.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

''(F) $200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.''.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(3)(F)'', and

(B) by striking ''subsection (b)(2)(D)'' and inserting ''subsection (b)(2)(F)''.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking ''2 percent'' and inserting ''4 percent''.

(e) DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.—In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 828. REDUCED DEPRECIATION PERIOD FOR NATURAL GAS DISTRIBUTION FACILITIES.

(a) IN GENERAL.—Clause (viii) of section 168(e)(3)(E) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

Subtitle D—Education

SEC. 831. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subsection (c) of section 54F is amended—

(1) by striking ''and'' at the end of paragraph (2),

(2) by redesignating paragraph (3) as paragraph (4),

(3) by inserting after paragraph (2) the following new paragraph:

''(3) $11,000,000,000 for 2011, and'', and

(4) by striking ''2010'' in paragraph (4) (as redesignated by paragraph (2)) and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle E—Other Employee and Housing Relief

SEC. 841. MAKING WORK PAY CREDIT.

(a) IN GENERAL.—Section 36A(e) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) TREATMENT OF POSSESSIONS.—Section 1001(b)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''2009 and 2010'' both places it appears and inserting ''2009, 2010, and 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 842. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''August 31, 2011'' and inserting ''December 31, 2011''.

(b) UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.—Paragraph (14) of section 51(d) is amended—

(1) by striking ''2009 or 2010'' in subparagraph (A) and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009 OR 2010'' in the heading thereof and inserting ''2009, 2010, OR 2011''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

(2) UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.—The amendments made by subsection (b) shall apply to individuals who begin work for the employer after December 31, 2010.

SEC. 843. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) IN GENERAL.—Subsection (d) of section 139B is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 844. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

SEC. 845. QUALIFIED MORTGAGE BONDS FOR REFINANCING OF SUBPRIME LOANS.

(a) IN GENERAL.—Subparagraph (D) of section 143(k)(12) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2010.

TITLE IX—OTHER PROVISIONS

SEC. 901. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) REPEAL OF PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (b) of section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such subsection, and amendments, had never been enacted.

(b) REPEAL OF APPLICATION TO CORPORATIONS; APPLICATION OF REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006(a) of the Patient Protection and Affordable Care Act and section 2101 of the Small Business Jobs Act of 2010, is amended by striking subsections (i) and (j) and inserting the following new subsection:

''(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made after December 31, 2010.

SEC. 902. REPEAL OF SUNSET ON TAX TREATMENT OF ALASKA NATIVE SETTLEMENT TRUSTS.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

SEC. 903. REPEAL OF SUNSET ON EXPANSION OF AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 802 of such Act (relating to expansion of authority to postpone certain tax-related deadlines by reason of Presidentially declared disaster).

SEC. 904. 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.

''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) 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. 905. TREATMENT OF SECURITIES OF A CONTROLLED CORPORATION EXCHANGED FOR ASSETS IN CERTAIN REORGANIZATIONS.

(a) IN GENERAL.—Section 361 (relating to nonrecognition of gain or loss to corporations; treatment of distributions) is amended by adding at the end the following new subsection:

''(d) SPECIAL RULES FOR TRANSACTIONS INVOLVING SECTION 355 DISTRIBUTIONS.—In the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under section 355—

''(1) this section shall be applied by substituting 'stock other than nonqualified preferred stock (as defined in section 351(g)(2))' for 'stock or securities' in subsections (a) and (b)(1), and

''(2) the first sentence of subsection (b)(3) shall apply only to the extent that the sum of the money and the fair market value of the other property transferred to such creditors does not exceed the adjusted bases of such assets transferred (reduced by the

amount of the liabilities assumed (within the meaning of section 357(c))).''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 361(b) is amended by striking the last sentence.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to exchanges after December 31, 2010.

(2) TRANSITION RULE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(A) made pursuant to a written agreement which was binding on December 31, 2010, and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before December 2, 2010, or

(C) described on or before December 31, 2010, in a public announcement or in a filing with the Securities and Exchange Commission.

TITLE X—BUDGETARY PROVISIONS

SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.

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.

SEC. 1002. EMERGENCY DESIGNATIONS.

(a) STATUTORY PAYGO.—The provisions of this Act other than those that qualify for the current policy adjustments under section 7 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)) are designated as an emergency requirement pursuant to section 4(g) of such Act (Public Law 111-139; 2 U.S.C. 933(g)).

(b) HOUSE OF REPRESENTATIVES.—In the House of Representatives, this Act is designated as an emergency for purposes of pay-as-you-go principles.

(c) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 4729. Mr. REID proposed an amendment to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, add the following:

The Senate Finance Committee is requested to study the impact of any delay in extending tax cuts to middle income Americans with incomes up to $250,000.

SA 4730. Mr. REID proposed an amendment to amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; as follows:

At the end, insert the following:

''including specific information on the impact of the delay in extending the tax cuts''

SA 4731. Mr. REID prposed an amendment to amendment SA 4730 proposed by Mr. REID to the amendment SA 4729 proposed by Mr. REID to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the aiport improvement program, and for other purposes; as follows:

At the end, insert the following:

''and include statistics which reflect regional differences''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 2, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 2, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Tax Reform: Historical Trends in Income and revenue.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 2, 2010 at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on December 2, 2010, at 2:15 p.m. in room 253 of the Russell Senate Office Building. The Subcommittee will hold a hearing entitled ''International Aviation Screening Standards.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 2, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building. The Committee will hold a hearing entitled, ''Oversight of the Consumer Product Safety Commission: Product Safety in the Holiday Season.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on December 2, 2010, at 10 a.m. to conduct a hearing entitled, ''Finding Solutions to the Challenges Facing the U.S. Postal Service.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Erin Bibo, Dillon Kiel, and Susan Dixon of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENACTING CERTAIN LAWS RELATING TO PUBLIC CONTRACTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1107 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts.''

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that a Sessions amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4726) was agreed to, as follows:

On page 2, in the item related to chapter 35 in the subtitle analysis, strike

''and''

and insert

''or''.

On page 7, strike lines 14 through 20 and insert ''In this subtitle, the term 'supplies' has the same meaning as the terms 'item' and 'item of supply' ''.

On page 9, line 20, strike ''**suppport**'' and insert ''**support**''.

On page 25, lines 11 and 12, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 48, line 34, strike ''employee from State or local governments'' and insert ''individual''.

On page 55, line 36, strike ''$2,500'' and insert ''$3,000''.

On page 56, line 15, strike ''$2,500'' and insert ''$3,000''.

On page 56, line 19, strike ''$2,500'' and insert ''$3,000''.

On page 77, line 1, strike ''his representatives'' and insert ''representatives of the Comptroller General''.

On page 93, lines 18 and 19, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 110, line 21, strike ''**AND**'' and insert ''**OR**''.

Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

(c) CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

On page 185, line 39, strike ''AMOUNT'' and insert ''AMOUNTS''.

On page 185, line 40, strike ''amount'' and insert ''amounts''.

On page 186, line 1, strike ''amount'' and insert ''amounts''.

On page 201, line 13, strike ''under section 5376 of title 5'' and insert ''for level IV of the Executive Schedule''.

On page 204, between lines 10 and 11, insert the following:

(3) PERSON.—The term ''person'' means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

On page 204, line 11, strike ''(3)'' and insert ''(4)''.

On page 204, line 14, strike ''(4)'' and insert ''(5)''.

On page 204, line 17, strike ''(5)'' and insert ''(6)''.

On page 204, line 20, strike ''(6)'' and insert ''(7)''.

On page 204, line 24, strike ''(7)'' and insert ''(8)''.

On page 204, line 31, strike ''(8)'' and insert ''(9)''.

On page 208, line 6, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 209, line 3, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 213, line 36, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 213, line 39, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 8, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 19, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 24, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 27, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 214, line 39, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 3, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 6, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 10, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 215, line 19, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 217, line 28, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 219, line 30, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 219, line 33, strike ''(except section 3302)'' and insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)''.

On page 219, line 38, insert ''**(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)**'' after ''**division C**''.

On page 220, line 5, insert ''(EXCEPT SECTIONS 1704 AND 2303)'' after ''DIVISION B''.

On page 220, line 8, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 220, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 220, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 220, line 18, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 220, line 36, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 221, line 5, insert ''(except sections 1704 and 2303)'' after ''division B''.

On page 221, line 13, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 16, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 26, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 221, line 29, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 222, line 18, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 222, line 22, insert ''**(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)**'' after ''**division C**''.

On page 222, line 37, insert ''(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)'' after ''division C''.

On page 223, line 25, insert ''(EXCEPT SECTIONS 1704 AND 2303)'' after ''DIVISION B''.

On page 236, strike ''2006'' in the column relating to ''Date''.

On page 236, strike the item related to Public Law 109–364.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1107), as amended, was passed, as follows:

H.R. 1107

Resolved, That the bill from the House of Representatives (H.R. 1107) entitled ''An Act to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts.'', do pass with the following amendments:

(1) On page 2, in the item related to chapter 35 in the subtitle analysis, strike

[and]

and insert

or

(2) On page 7, strike lines 14 through 20 and insert *In this subtitle, the term ''supplies'' has the same meaning as the terms ''item'' and ''item of supply''*

(3) On page 9, line 20, strike **[suppport]** and insert ***support***

(4) On page 25, lines 11 and 12, strike **[**under section 5376 of title 5**]** and insert *for level IV of the Executive Schedule*

(5) On page 48, line 34, strike **[**employee from State or local governments**]** and insert *individual*

(6) On page 55, line 36, strike **[**$2,500**]** and insert *$3,000*

(7) On page 56, line 15, strike **[**$2,500**]** and insert *$3,000*

(8) On page 56, line 19, strike **[**$2,500**]** and insert *$3,000*

(9) On page 77, line 1, strike **[**his representatives**]** and insert *representatives of the Comptroller General*

(10) On page 93, lines 18 and 19, strike **[**under section 5376 of title 5**]** and insert *for level IV of the Executive Schedule*

(11) On page 110, line 21, strike **[AND]** and insert ***OR***

(12) Beginning on page 131, strike line 8 and all that follows through page 132, line 19, and insert the following:

(c) CONTRACT PERIOD.—The period of a task order contract entered into under this section, including all periods of extensions of the contract under options, modifications, or otherwise, may not exceed 5 years unless a longer period is specifically authorized in a law that is applicable to the contract.

(13) On page 185, line 39, strike **[**AMOUNT**]** and insert ***AMOUNTS***

(14) On page 185, line 40, strike **[**amount**]** and insert *amounts*

(15) On page 186, line 1, strike **[**amount**]** and insert *amounts*

(16) On page 201, line 13, strike **[**under section 5376 of title 5**]** and insert *for level IV of the Executive Schedule*

(17) On page 204, between lines 10 and 11, insert the following:

(3) PERSON.—The term ''person'' means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

(18) On page 204, line 11, strike **[**(3)**]** and insert *(4)*

(19) On page 204, line 14, strike **[**(4)**]** and insert *(5)*

(20) On page 204, line 17, strike **[**(5)**]** and insert *(6)*

(21) On page 204, line 20, strike **[**(6)**]** and insert *(7)*

(22) On page 204, line 24, strike **[**(7)**]** and insert *(8)*

(23) On page 204, line 31, strike **[**(8)**]** and insert *(9)*

(24) On page 208, line 6, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(25) On page 209, line 3, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(26) On page 213, line 36, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(27) On page 213, line 39, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(28) On page 214, line 8, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(29) On page 214, line 13, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(30) On page 214, line 16, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''

(31)On page 214, line 19, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(32)On page 214, line 24, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(33)On page 214, line 27, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(34)On page 214, line 39, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(35)On page 215, line 3, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(36)On page 215, line 6, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(37)On page 215, line 10, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(38)On page 215, line 13, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(39)On page 215, line 16, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(40)On page 215, line 19, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(41)On page 217, line 28, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(42)On page 219, line 30, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(43)On page 219, line 33, strike 【(except section 3302)】 and insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)*
(44)On page 219, line 38, insert ***(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)*** after **division C**
(45)On page 220, line 5, insert *(EXCEPT SECTIONS 1704 AND 2303)* after DIVISION B
(46)On page 220, line 8, insert *(except sections 1704 and 2303)* after ''division B''
(47)On page 220, line 13, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(48)On page 220, line 16, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(49)On page 220, line 18, insert *(except sections 1704 and 2303)* after ''division B''
(50)On page 220, line 36, insert *(except sections 1704 and 2303)* after ''division B''
(51)On page 221, line 5, insert *(except sections 1704 and 2303)* after ''division B''
(52)On page 221, line 13, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(53)On page 221, line 16, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(54)On page 221, line 26, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(55)On page 221, line 29, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(56)On page 222, line 18, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(57)On page 222, line 22, insert ***(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)*** after ''**division C**''
(58)On page 222, line 37, insert *(except sections 3302, 3501(b), 3509, 3906, 4710, and 4711)* after ''division C''
(59)On page 223, line 25, insert *(EXCEPT SECTIONS 1704 AND 2303)* after ''DIVISION B''
(60)On page 236, strike 【2006】 in the column relating to ''Date''
(61)On page 236, strike the item related to Public Law 109–364.

THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the following postal-naming bills, Calendar Nos. 665 through 669, S. 3784, H.R. 5758, H.R. 6118, H.R. 6237, and H.R. 6387.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE SGT. JEREMY E. MURRAY POST OFFICE

The bill (S. 3784) to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office'' was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3784

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

SECTION 1. MARINE SGT. JEREMY E. MURRAY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, shall be known and designated as the ''Marine Sgt. Jeremy E. Murray Post Office''.

(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 ''Marine Sgt. Jeremy E. Murray Post Office''.

SERGEANT ROBERT BARRETT POST OFFICE BUILDING

The bill (H.R. 5758) to designate the facility of the United States Postal Service located at 2 Government Center in Fall River Massachusetts, as the ''Sergeant Robert Barrett Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

DOROTHY I. HEIGHT POST OFFICE

The bill (H.R. 6118) to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE., in Washington, D.C., as the ''Dorothy I. Height Post Office,'' was ordered to a third reading, was read the third time, and passed.

TOM KONGSGAARD POST OFFICE BUILDING

The bill (H.R. 6237) to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

SAM SACCO POST OFFICE BUILDING

The bill (H.R. 6387) to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building,'' was ordered to a third reading, was read the third time, and passed.

CONDEMNING THE ATTACK BY THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA AGAINST THE REPUBLIC OF KOREA

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 693, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 693) condemning the attack by the Democratic People's Republic of Korea against the Republic of Korea, and affirming support for the United States-Republic of Korea Alliance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent to have my name added as a cosponsor of that measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that 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 that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 693) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 693

Whereas Yeonpyeong Island is located in the Yellow Sea (West Sea) about 50 miles west of the city of Incheon and is inhabited by more than 1,000 citizens and military personnel from the Republic of Korea;

Whereas the United Nations Command established the Northern Limit Line in 1953, marking the line of military control between the Democratic People's Republic of Korea and the Republic of Korea;

Whereas, on November 23, 2010, the Republic of Korea military conducted military exercises in the Yellow Sea (West Sea) on the southern side of the Northern Limit Line;

Whereas, on that day, North Korea military forces fired approximately 170 artillery shells at Yeonpyeong Island, resulting in military and civilian casualties, including the death of 2 marines and 2 civilians from the Republic of Korea;

Whereas North Korea's shelling caused widespread damage to military installations and civilian property;

Whereas North Korea's attack against South Korea infringes upon the commitments made in the Korean War Armistice Agreement of 1953 that oblige military commanders to ''order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control'';

Whereas this attack also violates United Nations Security Council Resolution 1695 (2006), which emphasizes the need for North Korea ''to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts'';

Whereas this brazen attack is one in a series of actions by the Government of North Korea that undermine regional peace and security, especially on the Korean peninsula;

Whereas this attack follows the March 26, 2010, torpedo attack by the Government of North Korea against the Republic of Korea ship CHEONAN, which resulted in the death of 46 sailors from the Republic of Korea Navy;

Whereas this attack also follows the revelation that the Government of North Korea has constructed a uranium enrichment facility at the Yongbyon nuclear site in clear violation of United Nations Security Council Resolutions 1718 (2006) and 1874 (2009);

Whereas this attack and the trend of continued provocation by the Government of North Korea reinforces the importance of the alliance between the United States and the Republic of Korea and the need for the United States to maintain a strong military presence in East Asia; and

Whereas this attack also signifies the importance of maintaining a strong bilateral economic, security, and cultural relationship with the Republic of Korea: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the attack by the Government of North Korea against the Republic of Korea in violation of the 1953 Korean War Armistice Agreement;

(2) expresses its deep condolences to the government and people of the Republic of Korea, especially the families on Yeonpyeong Island who suffered from this attack and lost their loved ones;

(3) recognizes that maintaining peace on the Korean peninsula requires constant vigilance, and continues to stand with the people and the Government of the Republic of Korea in this time of crisis;

(4) calls on the international community, especially North Korea's ally, China, to condemn this attack and enjoin the Government of North Korea to halt all nuclear activities in accord with United Nations Security Council resolutions 1718 (2006) and 1874 (2009) and refrain from any further actions that may destabilize the Korean Peninsula;

(5) calls on the President to work with the Government of the Republic of Korea to take all necessary steps to deter further aggression by the Government of North Korea, in keeping with the security alliance between the United States and the Republic of Korea;

(6) urges the Administration to continue a bilateral economic relationship with the Republic of Korea; and

(7) reaffirms the commitment of the United States to its alliance with the Republic of Korea for the preservation of peace and stability on the Korean Peninsula and throughout the region.

ORDERS FOR FRIDAY, DECEMBER 3, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 3; 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, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. 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 9:50 p.m., adjourned until Friday, December 3, 2010, at 9:30 a.m.

EXTENSIONS OF REMARKS

CELEBRATING THE LIFE AND ACCOMPLISHMENTS OF RICHARD GOLDMAN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. PELOSI. Madam Speaker, I rise today to celebrate the life and the accomplishments of Richard Goldman, a great American and a dear friend. The passing of Richard Goldman, an accomplished businessman, noted philanthropist and powerful advocate for environmental justice, will be felt throughout the world in the hearts of all who work to preserve the planet, protect women's rights, and strengthen the Jewish community.

Richard Goldman's story cannot be told without beginning with his life's love, Rhoda. As young children, they lived down the street from each other; in 1946 they were reunited at a friend's wedding, and were married within the year. Together they were inseparable until Rhoda's passing in 1996.

As two of the Nation's most noted philanthropists, Richard and Rhoda established their family foundation in 1951. In the decades since, it has given away more than half a billion dollars in support to charitable causes. As patrons of the arts and culture, Jewish community and the environment, their impact has been felt nationally and around the world. In San Francisco, their impact can be seen from the new headquarters for the Family Violence Prevention Fund in the Presidio to the Conservatory of Flowers and the Lands End Trails Forever project at the Golden Gate National Recreation Area.

Their commitment to the pursuit of knowledge is enshrined at the Goldman School of Public Policy at UC Berkeley. Their compassion for the suffering is self-evident in the $1 million gift to 14 HIV and AIDS organizations on the 25th anniversary of this devastating disease. And their work supporting the state of Israel and fighting anti-Semitism has made the world a better and safer place.

The Goldman's commitment to the air we breathe, the water we drink and the land that we share is among their greatest accomplishments. Their work has protected threatened habitats, reduced harmful impacts on the environment and restored California's pristine forests, coasts and wilderness. In 1990, Richard and Rhoda founded the Goldman Environmental Prize, nicknamed the "Green Nobel Prize," which is awarded annually to grassroots environmental heroes from each of the world's six inhabited continents and is the largest award of its kind.

Richard Goldman's reputation for success and philanthropy is well known. Those who know him well have enjoyed is his wonderful personality. His love of his children John, Doug and Susan and his beloved late Richard; and his glowing pride in his grandchildren gave a twinkle to his eye.

His pride in San Francisco, its people, its arts and its sports—go Giants—were part of who he was. Richard Goldman was a great patriot who loved our country—the diversity of its people, the beauty of its natural resources and the freedoms we all enjoy. He served our country in uniform in his youth and every day since.

I hope it is a comfort to his children John and his wife Marcia, Douglas and his wife Lisa, and Susan and husband Michael Gelman, his eleven grandchildren and three great-grandchildren that so many people mourn his loss. Thankfully this next generation stands ready to ensure Richard and Rhoda's legacy of compassion, pursuing peace and protecting our planet goes forward.

HOBART CHAMBER OF COMMERCE 2010 AWARDS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to recognize the Hobart Chamber of Commerce 2010 award winners and to congratulate the recipient of the Mayor's Award, County Line Orchard. These outstanding recipients will be honored during the Chamber's Annual Christmas Open House and Installation, on December 3, 2010, at the Community Center in Hobart, Indiana.

The 2010 Outstanding Business Award recipients are: Regional Federal Credit Union, Centier Bank, and Ginter Realty. Regional Federal Credit Union was established by a group of teachers in 1961 and now has offices in Hammond, Portage, and Valparaiso, as well as ten student credit unions in these areas. Centier Bank, founded in 1895, has remained in the Schrage family for the past 115 years. Mike Schrage is the current Chief Executive Officer. Under his leadership, Centier has grown to include 48 braches in Lake, Porter, LaPorte, Saint Joseph, Marshall, and Tippecanoe counties. Centier Bank was recently named one of the Best Places to Work in Indiana by the Indiana Chamber of Commerce. Ginter Realty is owned by Joyce and George Ginter, who started their business in 1965. The family-owned business is now managed by their daughter, Polly Koesters, who is the current owner and principal broker. Another daughter, Carrie Ledyard, is a real estate agent with the company. They are currently celebrating their 45th year in business. Each organization is dedicated to providing excellent business and customer service to their communities, and for that reason, they are to be commended.

The Outstanding Businessperson Award recipient is Kevin Grace. Kevin has worked for Strack and Van Til for the past 27 years. Currently, he is the manager at the Hobart location, a position that he has held for the past four years. Kevin's consistent dedication to his community, civic organizations, and sports teams is worthy of the highest praise.

Scott and William Frey are the recipients of the Visionary Award. In 1997, brothers Scott and William bought The Art Theatre, located in downtown Hobart. The two renovated and restored the theatre, which was first built in 1941. Today, the theatre attracts many visitors from surrounding communities. Scott and William have expanded their business to include the Art of Pizza restaurant, located next door to the theatre, which is set to open in 2011. For their outstanding commitment to their community, Scott and William Frey are to be honored.

The Legacy Award recipient is People's Bank. People's Bank is headquartered in Munster, with twelve branches located throughout Lake and Porter counties. David Bochnowski is the current Chairman and Chief Executive Officer. This year, People's Bank is celebrating its 100th Anniversary of community banking. People's Bank and their commitment to exceptional customer service for the past 100 years is truly remarkable, and they are worthy of such a prestigious award.

County Line Orchard is the recipient of the Chamber of Commerce, Mayor's Award. County Line Orchard in Hobart attracts a very significant number of consumers to the area. In addition to their exemplary efforts that boost business locally, they also give back to the community. Throughout the year, County Line Orchard supports non-profit organizations. They also host a free Halloween party for children in the community. For their exceptional service to their community, I congratulate County Line Orchard on this esteemed award.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in honoring the Hobart Chamber of Commerce award winners. For their dedication and commitment to the community of Hobart, as well as Northwest Indiana, they are worthy of the honors bestowed upon them.

HONORING THE 40TH ANNIVERSARY OF THE FEDERAL LAW ENFORCEMENT TRAINING CENTER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KINGSTON. Madam Speaker, I rise today to recognize the 40th anniversary of the Federal Law Enforcement Training Center (FLETC). Located in Glynco, Georgia, FLETC is responsible for equipping officers from over 80 different Federal Agencies with the professional training and tactical expertise needed to successfully deal with diverse situations in variety of scenarios.

Prior to the formation of FLETC, Federal agencies trained their law enforcement personnel at different sites throughout the country. Recognizing that there was a need for standardized professional instruction, Congress established CFLETC, the Consolidated Federal Law Enforcement Training Center,

within the Department of the Treasury. After operating for five years in temporary facilities outside Washington, DC, CFLETC was renamed and moved to its permanent facilities at the former site of Naval Air Station Glynco near Brunswick, Georgia. FLETC also operates two more residential training sites in Artesia, New Mexico, and Charleston, South Carolina as well as a re-qualification center in Cheltenham, Maryland. In 2003, FLETC was moved into the newly created Department of Homeland Security, cementing its role as an essential part of the team of brave men and women who keep us safe both at home and abroad.

In addition to instructing federal officers, FLETC partners with local and state law enforcement agencies to enable advanced training for non-federal personnel that otherwise is unavailable. Furthermore, FLETC plays a central role in the effort to professionalize law enforcement departments across the globe, operating and supporting International Law Enforcement Academies in Botswana, El Salvador, Peru, Hungary, and Thailand.

Over the past 40 years, FLETC has improved both the efficiency and quality of training provided to America's Federal law enforcement officers. I congratulate FLETC on its 40 years of service to our Federal law enforcement agencies, and I am certain that FLETC personnel will continue their commitment to our country for many years to come.

HONORING A. GARLAND DeLOZIER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DUNCAN. Madam Speaker, I wish today to honor one of the most well-known and respected men in Blount County, Tennessee. A. Garland DeLozier passed away at the age of 88 on October 23, 2010. He lived a long and successful life full of service to God, family, community, and Country.

Upon reporting Garland's passing, The Daily Times newspaper in Maryville declared, ''Few, if any, have equaled his quiet involvement as a community leader in farm, business and government circles.''

Garland's service to Blount County is legendary. He was a former Blount County Commissioner, Member of the Board of Education, President of the Chamber of Commerce, and charter member of the Foothills Land Conservancy.

He was also a man of God who always used his faith as his compass. For half a century, he served as a Deacon at Mt. Lebanon Baptist Church, where he devoted his time and effort wherever it was needed. He served as church treasurer and Sunday school teacher and even volunteered in the jail ministry.

Garland raised beef and dairy cattle most of his life and achieved much success in farming, what I believe to be one of the toughest jobs around. I have nothing but the greatest admiration for those persons who make their living off the land, and Garland somehow found time to run a successful farm and serve as a leader in the agricultural community.

Garland served as a member of the Blount County Soil Conservation District Board of Supervisors and the state Soil Conservation Committee under Governor Lamar Alexander, whose campaign for Governor he helped lead.

He was also a member of the Farm Bureau, Gideons International, and the Blount County Livestock Association, and he served on the board of directors of First Tennessee Bank and Blount Memorial Hospital.

As you would expect from someone of Garland's character and generation, he volunteered admirably for service during World War II, serving three years in the United States Air Force in Europe.

Garland was a shining example of not just a community leader but also a beloved father, grandfather, and husband. His 64-year marriage to wife, Tommie, is something we should all aspire. I extend my deepest sympathies to Tommie, as well as Garland's daughters Carolyn and Debora, son Arthur, six grandchildren and eight great-grandchildren.

Garland's granddaughter, Rebecca Forster, is one of my former House Pages and a current member of my staff, and her sister, Joy, interned for me in 1996. They are wonderful young women who exude their grandfather's character and love of community, and I know he is proud of them.

The former publisher of The Daily Times wrote on the news of Garland's death, ''I would like to say to his family that God will take care of them for all he did.''

Madam Speaker, I urge my Colleagues and other readers of the RECORD to join me in celebrating the life of Garland DeLozier. He is an example of leadership and generosity that is becoming rarer to find, and his absence will be felt by all those who knew him.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. WOOLSEY. Madam Speaker, on December 1, 2010, I was unavoidably detained and was unable to record my vote for Rollcall No. 595. Had I been present I would have voted: Rollcall No. 595: ''yes''—Commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force.

IN MEMORY OF COLONEL JOAL WOLF AND HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions of Colonel Joal E. Wolf. On behalf of New Jersey's First Congressional District and the entire Nation, I would like to thank Colonel Wolf for his service and dedication.

Colonel Wolf was commissioned in the Active Component Army as a Field Artillery Officer through ROTC scholarship at Pennsylvania State University. He graduated with a bachelors of science degree in finance and has a masters in business administration. After graduation, his initial military assignment was with the 6th Battalion, 14th Field Artillery, 1st Armored Division, Germany as Battery Fire Direction Officer, Battery Executive Officer, Battalion S2, and Assistant Battalion S3.

Upon release from active duty in 1988, Colonel Wolf entered the U.S. Amy Reserves and served as Battery Commander, Battalion SI, and Battalion S4 in the 4th Battalion, 92nd Field Artillery Regiment in Erie, PA.

In 1993, Colonel Wolf was recruited by the 308th Military Intelligence (MI) Detachment based in Erie, PA, where he supported the Africa Branch and Executive Support Office at the Defense Intelligence Agency, DIA. While assigned, Colonel Wolf served as S3, Executive Officer, and Commander. During his command, the unit was credited for creating the Iraqi ''55 Most-Wanted'' deck of cards at the beginning of Operation Iraqi Freedom in 2003. In 2008, Colonel Wolf assumed duties as the Commander of the 3300th Strategic Intelligence Group in support of the Defense Counterintelligence & HUMINT Center and the National Media Exploitation Center at the Defense Intelligence Agency.

Colonel Wolf participates in several civic and business organizations, and is the former president of the French Creek Valley Chapter of the Military Officers Association of America. He currently resides in Conneaut Lake, PA and is president and proprietor of Conneaut Cellars Winery, Inc., a state-of-the-art winery that produces 20,000 gallons of national award-winning wine.

Madam Speaker, Colonel Joal E. Wolf's commitment to the United States must be recognized. I wish him the best in his future endeavors and thank him for his continued service and dedication to our country.

SOCIETY OF INNOVATORS OF NORTHWEST INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend Ivy Tech Community College of Indiana Northwest and its regional partners, who recently celebrated their 6th Annual ''Spirit of Innovation'' Induction Ceremony in which twenty individuals and nine teams were inducted as members of the 2010–2011 class of the Society of Innovators of Northwest Indiana. Six individuals were selected from these new members and inducted as Society Fellows for their exceptional efforts in innovation. These individuals are: Ralph W. Braun, the late Robert H. Forney, Jr., P. Scott Bening, Howard Cohen, Ph.D., Tom Sourlis, and Ernest Talarico, Jr., Ph.D. Also honored were two Chanute Prize team recipients: ''Exploration Earth: Mission Ocean'' and ''Dage-MTI.'' For their outstanding efforts, these honorees were recognized at an award and induction ceremony sponsored by The Society of Innovators. This prestigious event took place at the Pavilion Ballrooms at the Horseshoe Casino in Hammond, Indiana, on Thursday, October 21, 2010.

The Society of Innovators of Northwest Indiana was created by Ivy Tech Community College with the goal of highlighting and encouraging innovative individuals and groups within

the non-for-profit, public, and private sectors, as well as building a ''Culture of Innovation'' in Northwest Indiana. The importance of innovation in Northwest Indiana, as well as globally, is crucial in today's ever-changing economy.

The six Fellows selected by the Society of Innovators were chosen for their remarkable diversity of innovation and the impact of their efforts throughout the community of Northwest Indiana. The 2010–2011 individuals named Society Fellows are as follows:

Ralph W. Braun is the CEO of The Braun Corporation in Winamac. Ralph is truly an inspiration. His personal challenge, being dependent upon a wheelchair for mobility, has inspired him to create a corporation that has become the largest manufacturer of wheelchair accessible mini-vans and lifts in the world. The late Robert H. Forney, Jr. is the former President and CEO of the Chicago Stock Exchange, Inc. Mr. Forney founded the Chicago-based Global FoodBanking Network, a foundation set up to fight hunger worldwide, in which independent food banks were established and work with over 30 countries. Tom Sourlis of MotarNet in Burns Harbor created a proper drainage system for masonry walls, changing the masonry construction industry. This original idea led to major support for local non-profit organizations. P. Scott Bening is the President and CEO of Monosol in Merrillville. His company has become the global leader in specialty water-soluble, polymer-based film manufacturing. His facilities are currently located in Portage, LaPorte, and Hartlebury, England. Howard Cohen, Ph.D., is the Chancellor of Purdue University Calumet (PUC) in Hammond. Throughout his tenure he has been the inspiration behind turning PUC into ''a high quality, regional, full-service University.'' Ernest Talarico, Jr. Ph.D., is the founder of the International Human Cadaver Prosection Program, a program that prepares cadavers for study with the goal of encouraging respect for donors and families. This program is based at Indiana University Northwest (IUN) and has brought professionals from around the world to Gary.

The recipients of the Chanute Prize for team innovation are: ''Exploration Earth: Mission Ocean'' and ''Dage-MTI.'' ''Exploration Earth: Mission Ocean'' is a submarine stimulation program geared toward enhancing the development of science, technology, engineering, and mathematics (STEM) skills in elementary and middle school students. The Center for Science and Technology Education at PUC hosts this program, which is currently being expanded nationwide with a major grant from the U.S. Navy. ''Dage-MTI'' is a camera company located in Michigan City and is the oldest camera company in the United States. Current owners, John and Peggy Moore, rescued the store as it was about to close its doors seven years ago. ''Dage-MTI'' now offers some of the finest digital cameras for microscopic research in the world.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding innovators on being named Society Fellows and Chanute Prize winners. Their dedication and commitment to innovation is truly an inspiration. Their years of hard work have played a major role in shaping future development in Northwest Indiana and communities worldwide, and each recipient is worthy of the highest praise.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

SPEECH OF

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. BERKLEY. Mr. Speaker, I rise in support of this resolution and to thank my colleague from Florida for her leadership on this resolution supporting the survivors of the Holocaust.

It has been 65 years since the horrors of the Holocaust came to a close, leaving in its wake six million dead Jews as well as millions of displaced persons, orphans and widows, some of the most vulnerable and victimized people the world has ever known. Impoverished and starving, many of them arrived at our shores with little besides the clothing on their backs and their resolute determination to rebuild their lives. They started families, built businesses, synagogues and community centers and became not only contributing members of our society, but even national leaders. We all remember and miss our good friend Tom Lantos, whose dedication to human rights was so unparalleled that Congress named our Human Rights Commission in his memory.

These survivors are not only models of resilience, but are a living reminder of the horrors that evil people, if given the chance, will visit upon the defenseless. Every year we lose more and more of these heroes, who by their mere existence remind us that it is our collective responsibility to prevent genocide from ever occurring again. With Israel under threat from all sides, this message is needed more than ever before.

Sixty-five years after the Holocaust, the remaining survivors are once again entering a vulnerable time in their lives. They are growing older and relying more on government and communal services. Now is not the time to turn our backs on these survivors, whose legacy and leadership is an inspiration to us all. We must heed the call of the Old Testament Psalm: Do not cast me away when I am old; do not forsake me when my strength is gone.

I urge support for this resolution.

IN RECOGNITION OF NATIONAL EPILEPSY MONTH

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. CARNAHAN. I rise today and join the Epilepsy Foundation in calling for Americans to Get Seizure Smart! Epilepsy awareness is critically important because Americans need a better understanding about the basics of the condition. For instance, people often characterize seizures as jerking and shaking uncontrollably. However, not all seizures cause convulsions. There are many different symptoms of seizures, which can include eye fluttering, staring and laughing. Recurring seizures can be a sign of epilepsy.

Epilepsy awareness is critically important for public servants too. Because first responders are often called when someone is having a seizure, it's critical they have good information on which to act. And because epilepsy is common in children, educators, administrators and parents need to know how to respond in an emergency.

For 40 years, the Epilepsy Foundation has been raising awareness and reducing the stigma associating with this condition. Specifically, I commend the Epilepsy Foundation of Missouri and Kansas in their efforts to ensure that people living with seizures are able to participate in all life experiences. They are working to prevent, control, and cure epilepsy through research, education, advocacy, and services.

I urge my colleagues to Get Seizure Smart! to help dispel the myths associated with epilepsy and empower those millions of Americans affected by this condition. We must work together to learn more about epilepsy and connect with our local Epilepsy Foundation to raise awareness in our communities.

THE DEDICATION OF THE LONG BEACH ROSIE THE RIVETER PARK AND INTERPRETIVE CENTER

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. RICHARDSON. Madam Speaker, I rise today to support the dedication of the Long Beach Rosie the Riveter Park and Interpretive Center.

The Rosie the Riveter Park and Interpretive Center is an historic accomplishment for the Rosie Riveters, for Long Beach, California and for our nation.

Since over 175,000 women served at the Long Beach Douglas Aircraft Company, it is very appropriate that the Long Beach Rosie the Riveter Park and Interpretive Center be the second site in the United States dedicated to honoring the contributions of the women, symbolized by the cultural icon ''Rosie the Riveter,'' who served on the home front during World War II.

The first Rosie the Riveter Park, located in Richmond, California, focuses on women who worked in the Kaiser shipyards. The Long Beach Rosie the Riveter Park and Interpretive Center, however, focuses specifically on the women who assembled military aircraft at the Douglas Aircraft Company in Long Beach. The Long Beach site includes informational displays on the Women Airforce Service Pilots, WASP. These women transported the airplanes assembled by the women at the Douglas Aircraft Company and other aircraft plants in Southern California.

During World War II over 6 million brave women courageously entered a new workforce and served admirably the United States Armed Forces by manufacturing and delivering many parts, planes, and ammunition that enabled our victory. ''Rosie the Riveter'' is an historic American cultural icon that represents these women who were able to produce 300,000 airplanes, 102,000 armored vehicles, 77,000 ships, 20 million small arms, 4o billion bullets and 6 million tons of bombs.

The Rosie the Riveter Park and Interpretive Center features 3–acres of historic, interpretive displays surrounded by a rose-colored

walking path that circles the park and includes an etched timeline that chronicles the history of Long Beach, Douglas Aircraft Company, and the women who worked at the plant. Attached to 1940's era light poles are interpretive signs bring up a number of themes, including: the Arsenal of Democracy, Long Beach in 1941, Rosie the Riveter Comes to Long Beach, Airplanes and the War, and Women in the Workplace. All the signs feature photographs obtained from the Library of Congress and the Boeing Company. Students are encouraged to test their knowledge of World War II history at additional signs with ''Did you know?''information displays. Military service flags also hang from each light pole.

Along the walking path are several stopping points with etched stars and colorful tiles that are replicas of the recruitment posters used to encourage women to enter the workforce during the war.

A recorded narrated tour of the park that gives visitors additional information and takes them back to the 194os with music and radio broadcasts is available for free by cellphone and can be downloaded by podcast. Visitors can listen while walking or sitting at several of the benches placed throughout the park.

The park also features a replica of a ''compass rose'' that once decorated the lobby of the Roosevelt Naval Base in Long Beach. The compass rose has historically been used by pilots and navigators to locate their position and is symbolic of the way in which World War II took our Nation and its people all over the world in the defense of freedom.

Adjacent to the compass rose is a quiet garden and memorial to the women and men who served in the military, noting in the inscription: ''All Gave Some—Some Gave All.'' Carved emblems for each branch of the military, as well as the Women Airforce Service Pilots, are embedded into the memorial. Three flags fly over the memorial: a U.S. flag flown over the Capitol, a California flag, and a City of Long Beach flag.

At the south side of the park is a ''flight path'' lit with solar powered flashing lights that follows several planes etched in the pavers—planes that were assembled at the Douglas Aircraft plant. The 99s—an organization of women pilots formed by Amelia Earhart and Long Beach's first female licensed pilot, Gladys O'Donnell—will paint an air marking at the terminus of flight path just as they did before and after World War II.

In the Spring of 2011, the Long Beach park will add a replica of the original relief designed by Raymond Kaskey, which depicts women assembling airplanes and is included in the National World War II Memorial here in Washington, DC. This wonderful addition to the Long Beach site is being partially funded by a generous contribution from the Daughters of the American Revolution.

The Long Beach Rosie the Riveter Foundation maintains a Web site, www.lbrosie.com which includes links for teacher resources in order to utilize the park as a teaching opportunity for Long Beach and United States history.

I call upon my colleagues to take this opportunity to study, reflect upon, and celebrate the stories and accomplishments of the women who served the nation as ''Rosies'' during World War H and to acknowledge all those for their efforts to honor the contributions of these heroic women.

CALLING FOR DIGNITY, COMFORT, AND SUPPORT FOR HOLOCAUST SURVIVORS

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. HOLT. Mr. Speaker, I rise in strong support of House Concurrent Resolution 323, and I thank Representatives WASSERMAN SCHULTZ and WOLF for introducing this important measure. I have long advocated for providing resources to help our senior citizens age in their own homes with dignity, comfort, and security. That is why I worked hard to create and fund the Community Innovations for Aging in Place program at the Department of Health and Human Services. This initiative assists millions of older adults throughout the country get the services they need to live at home.

H. Con. Res. 323 brings attention to a special population of older Americans to whom aging in place is especially important. All of the approximately 127,000 Holocaust survivors living in the United States are at least 65 years old, and they are five times more likely than other older Americans to live below the poverty line. These individuals often have experienced unimaginable violence, torture, and systematic extermination in concentration camps. For them, the prospect of living in an institutional setting may be particularly frightening. We have a moral obligation to help the remaining Holocaust survivors live out their lives safely and comfortably in their own homes and local communities. I urge support for this resolution, and I look forward to working with my colleagues to ensure that Holocaust survivors have the social services they need and deserve.

IN MEMORY OF COLONEL JOAL WOLF AND HIS SERVICE TO THE UNITED STATES OF AMERICA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions of Colonel Joal E. Wolf. On behalf of New Jersey's First Congressional District and the entire nation, I would like to thank Colonel Wolf for his service and dedication.

Colonel Wolf was commissioned in the Active Component Army as a Field Artillery Officer through ROTC scholarship at Pennsylvania State University. He graduated with a Bachelor of Science degree in finance and has a Masters in Business Administration. After graduation, his initial military assignment was with the 6th Battalion, 14th Field Artillery, 1st Armored Division, Germany as Battery Fire Direction Officer, Battery Executive Officer, Battalion S2, and Assistant Battalion S3.

Upon release from active duty in 1988, Colonel Wolf entered the U.S. Army Reserves and served as Battery Commander, Battalion S1, and Battalion S4 in the 4th Battalion, 92nd Field Artillery Regiment in Erie, Pennsylvania.

In 1993, Colonel Wolf was recruited by the 308th Military Intelligence (MI) Detachment based in Erie, Pennsylvania, where he supported the Africa Branch and Executive Support Office at the Defense Intelligence Agency (DIA). While assigned, Colonel Wolf served as S3, Executive Officer, and Commander. During his command, the unit was credited for creating the Iraqi ''55 Most-Wanted'' deck of cards at the beginning of Operation Iraqi Freedom in 2003. In 2008, Colonel Wolf assumed duties as the Commander of the 3300th Strategic Intelligence Group in support of the Defense Counterintelligence & HUMINT Center and the National Media Exploitation Center at the Defense Intelligence Agency.

Colonel Wolf participates in several civic and business organizations, and is the former President of the French Creek Valley Chapter of the Military Officers Association of America. He currently resides in Conneaut Lake, Pennsylvania and is President and Proprietor of Conneaut Cellars Winery, Inc., a state of the art winery that produces 20,000 gallons of national award-winning wine.

Madam Speaker, Colonel Joal E. Wolf's commitment to the United States must be recognized. I wish him the best in his future endeavors and thank him for his continued service and dedication to our country.

IN RECOGNITION OF THE COLORADO SPRINGS SITE OF THE MITRE CORPORATION UPON 50 YEARS OF SERVICE TO THE UNITED STATES OF AMERICA

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. LAMBORN. Madam Speaker, I rise today to recognize the MITRE Corporation on the occasion of its fiftieth anniversary of their Colorado Springs site. It is a pleasure and privilege to honor MITRE for its dedicated services to the Colorado Springs community and to the United States of America.

The MITRE Corporation was founded in 1958 on the premise that the government needed a corporate partner to provide technical expertise in systems engineering and integration. MITRE was born out of the Lincoln Laboratory at the Massachusetts Institute of Technology. Its founding principle was to produce quality expertise for the government by drawing on the best in both the commercial and public sectors to solve the nation's most difficult technical problems. MITRE joined the nation and Colorado Springs community to help with the challenges of standing up the new North American Aerospace Defense Command (NORAD) and engineering capabilities for its operations including the Cheyenne Mountain complex.

Over the years, the Colorado Springs site has been a vital part of the development and testing of countless critical sensor systems, data link systems, and command and control systems. From its development of space and missile warning methods in the 1960's to its recent work on the integration of Space, Cyber, and Missile Defense capabilities, MITRE has spent the last fifty years providing essential services to the defense community of the United States.

Today, the MITRE Colorado Springs Site consists of 180 engineers, scientists, researchers, analysts, and support staff providing a wide range of development and engineering expertise to the North American Aerospace Defense Command, United States Northern Command, the Air Force Space Command, Missile Defense Agency, Electronic Systems Center, and Air Force Academy. MITRE has earned an international reputation for technical excellence and innovation. Their local employees devote themselves to serving the public interest as well as contributing community service throughout the Colorado Springs community.

Madam Speaker, on behalf of the United States Congress, I am proud to honor one of America's true corporate leaders, the MITRE Corporation and its Colorado Springs site, for their fifty years of service to the defense community of Colorado Springs and across the United States. I wish everyone at MITRE the best for continued success.

IN TRIBUTE TO CHRISTOPHER BOYLAN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mrs. MALONEY. Madam Speaker, I rise to pay tribute to the exceptional accomplishments of Christopher Boylan, Deputy Executive Director, Corporate and Community Affairs. Mr. Boylan is retiring from the Metropolitan Transportation Authority (MTA) after a long and celebrated career at the agency. During Mr. Boylan's successful tenure at the MTA, the agency has moved forward with long-stalled projects to provide new mass transit options and to upgrade existing infrastructure. As one of the MTA's lead advocates, Mr. Boylan has played a central role in the reinvigoration of the agency.

Mr. Boylan has been responsible for corporate-wide internal and external relations for the MTA, including federal government relations, community relations, marketing & corporate communications, and customer service. In this capacity, Mr. Boylan has represented the MTA in seeking federal funding for a variety of capital projects that are improving and expanding mass transit service for New Yorkers. Mr. Boylan has handled the many programs, problems and projects of the MTA with intelligence, patience and tact.

I first came to know Mr. Boylan during the construction of the 63rd Street Tunnel Connector, which made use of the much-derided 'tunnel to nowhere' and expanded subway service between Queens and Manhattan. Since then, I have worked with Mr. Boylan on the Second Avenue Subway and East Side Access, the two largest mass transit projects in the nation. Together these projects are employing 38,000 people and bringing nearly $4 billion in federal funding to the state. It has always been reassuring to know that Mr. Boylan was helping to shepherd these projects forward.

In addition, Mr. Boylan has been overseeing two unique programs at the MTA, the "Arts for Transit" Program and the "New York Transit Museum," the largest public transit museum in the country and a favorite destination for many. The New York Times has called the Arts for Transit project, now in its 25th year, a "gift to future generations." The MTA dedicates a portion of station renovation funding to public art—and the result is a range of museum-quality artworks that delight, charm and captivate commuters.

Mr. Boylan joined the MTA in 1990 and served as both Deputy Director and subsequently Director of Government Relations. From 1993 to 1996, he was Chief of Staff to two Chairmen of the MTA. Mr. Boylan has also been an active member of the American Public Transportation Association (APTA), the transit industry's trade association. He currently serves as APTA's Vice Chair of Management and Finance; Member of the Executive Committee; and Member of the Board of Directors. He also served as Vice Chair of Government Affairs of APTA from 1996–99 and again from 2003–2006 and also served on the APTA Nominating Committee and Executive Search Committee. In addition, he was previously a member of the Board of Directors of the NY Public Transit Association.

Before joining the MTA, Mr. Boylan served for nearly six years as Federal Legislative Representative in the New York City Mayor's Office of Intergovernmental Relations after having served as a legislative analyst in the City's Office of Management and Budget. Prior to joining City government he worked for the New York State Department of State in Albany and the New York State Assembly.

In addition to his civilian career, Mr. Boylan has been a dedicated Naval officer. In October 2007, he retired from the U.S. Navy/Navy Reserve as a Captain (O–6), after over two and a half decades of honorable service. His last reserve assignment was as the Navy's Deputy Chief of Information in the Pentagon, where he reported directly to the Chief of Information, the Navy's top spokesman.

Madam Speaker, I ask my distinguished colleagues to join me in recognizing the extraordinary accomplishments of Christopher Boylan, and in wishing him great success as he begins a new chapter in his career.

CONGRATULATING GREG GORMANOUS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ALEXANDER. Madam Speaker, I rise today to applaud Greg Gormanous for his exceptional service to the Alexandria community on the occasion of his retirement. His staunch support of both the citizens of Alexandria and his students at Louisiana State University-Alexandria is admirable and deserving of appreciation.

Upon his retirement, Greg was the longest serving administrator in the history of LSU-Alexandria, where he served as Behavioral and Social Sciences Chair and the Liberal Arts Division Head and was an avid backer of four-year degree programs. Among his many accomplishments at the university, Greg helped establish three endowed student scholarships as well as initiate theatre and travel courses and the lecture series.

In addition to his work in academia, Greg is a strong advocate for the betterment of Alexandria by serving the public as a government liaison. He continues to be a driving force in the community for his committed leadership on various business, civic, educational and governmental boards and committees, such as the Rotary Club of Alexandria, the Convention and Visitors Bureau, the Mardi Gras Association, the Rapides Primary Health Care Center, and the March of Dimes to name a few. He is also a licensed psychologist and his extensive research has been published in numerous publications.

Through his endeavors, both professional and volunteer, Greg has earned the respect and regard of all those with whom he has served and the gratitude of the people that have come to know him.

Please join me in extending best wishes to Greg upon his retirement and wishing him future success in all his efforts.

IN HONOR OF LANCELOT McCLAIR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. FARR. Madam Speaker, I rise today to honor the life of Lancelot McClair, who recently passed away at the age of 68 following a long illness.

Lance was born in Arkansas and moved to Seaside at the age of 9. He joined the Navy during the Vietnam War and served on a submarine. On returning home he studied law at Monterey Peninsula College and received his Masters Degree from Golden Gate University. He trained as a police officer and joined the Public Defender's Office as an investigator.

In 1982, he was elected Mayor of Seaside, California. At thirty-nine years old at the time, he was the youngest mayor in the city's history. Lance served as Mayor until 1994, his twelve year tenure setting another record. During that time, Seaside was hit hard by recession, followed by the closure of neighboring Fort Ord, at the time the Army's largest base and home to over 35,000 soldiers and civilians. He worked hard for his city's economic development and promoted tourism.

After his time as Mayor, Lance continued to be involved in local politics, working to strengthen Seaside's position in the county. He made an unsuccessful run for Congress, and later for County Supervisor.

Madam Speaker, Lance McClair is remembered by all as first and foremost a fighter for his city. I know I speak for every Member of Congress in offering our condolences to his wife, Earlene; his mother, Chester Viola McClair; two sons, Todd and R. Vance; daughter, Gigi Stephens; and his many friends upon this great loss.

A TRIBUTE TO MS. SUSAN N. KLEINROCK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Susan N. Kleinrock.

Ms. Kleinrock was born in Brooklyn, New York, to the late Martin and Ruth Kleinrock.

She is a product of the New York City public education system and has received awards of excellence for both her academic and community success.

While still a high school student, Ms. Kleinrock began her career in healthcare; on weekend and evenings she volunteered at Coney Island Hospital. She was later nominated and accepted to the MJ3DEX Program, which affords pre-med students specialized training and opportunities to explore careers in healthcare.

Ms. Kleinrock graduated from New York University and completed her doctoral studies at Syracuse University. After completing her graduate training in Psychology, Ms. Kleinrock expanded her knowledge base in healthcare administration and quality management; she became a Certified Professional in Healthcare Quality and a Fellow of the American College of Healthcare Executives.

In her career, Ms. Kleinrock has come full circle. She started at Woodhull Medical and Mental Health Center, as the Coordinating Manager for Inpatient Psychiatry and later became the Assistant Director of Quality Management. With this position, she developed, implemented and trained clinical staff on standardized medical record documentation for both mental health and chemical dependency programs. Ms. Kleinrock also wrote the Certificate of Need application for the Medically Managed Detoxification Unit which opened in 1989.

In 1993, Ms. Kleinrock went to work for the Bellevue Medical and Mental Health Center; she was responsible for the quality, risk and regulatory activities of the Department of Psychiatry. This department of Bellevue is the largest public healthcare system in the country and has earned recognition for excellent clinical and administrative accomplishments. In 2010, Ms. Kleinrock returned to Woodhull Medical and Mental Health Center as the Deputy Director of Psychiatry; she continues to work as a member of the Joint Commission Survey Preparation Team.

In addition to all her professional responsibilities, Ms. Kleinrock is also a member of the Board of Directors of the American Association of Psychosocial Rehabilitation, where she advocates for quality mental health and psychosocial rehabilitation. Ms. Kleinrock believes that patient safety and quality care are vital components of a strong public healthcare system. She is endlessly committed to assisting the Woodhull staff in accomplishing this mission.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Susan N. Kleinrock.

HONORING NATIONAL GUARD ON 374TH ANNIVERSARY

SPEECH OF

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. GINGREY of Georgia. Mr. Speaker, I rise today as a proud cosponsor of H. Res. 1740, which recognizes and honors the National Guard on the occasion of its 374th anniversary. I would also like to thank Congressman LATTA for offering this resolution and for his recognition of this important aspect of our Armed Forces.

The National Guard is America's oldest military component dating back to 1636 when colonial militias—comprised of ordinary citizens—would put aside their occupations to defend their fellow countrymen and towns from hostile attacks. From their service in the Revolutionary War where they stood their ground during the opening shots at Lexington Green and Concord Bridge to most recently valiantly fighting in Operation Enduring Freedom and Operation Iraqi Freedom, the Guard has participated in every major American conflict. All Guardsmen are combat-trained, and while abroad they serve in combat missions, build schools and hospitals, and train local peacekeepers.

In 1824, the 2nd Battalion, 11th Regiment, New York Artillery became the first military organization in the United States to adopt the title ''National Guard.'' During the Mexican War, more than 70 percent of the total manpower effort was from citizen-soldiers, and in the Spanish-American War, over 160,000 National Guardsmen volunteered for active duty on behalf of their country. As evidenced throughout history, the Guard has always been there in our time of need. Guard troops comprise more than 40 percent of the manpower for the U.S. in World War I, 300,000 Guardsmen participated in World War II, 183,000 in the Korean War, 23,000 in the Vietnam War, and 70,000 in Operations Desert Shield and Desert Storm. Finally, since the September 11, 2001 attacks, hundreds of thousands of Guardsmen have and continue to serve in combating terrorism at home and abroad.

Mr. Speaker, while the National Guard has certainly had an impressive track record of keeping our nation safe at home and throughout the world, they also support our countrymen when they are endangered by storms, floods, fires, and other disasters. Every state in the United States utilizes the National Guard for disaster assistance, and when Hurricane Katrina devastated the Gulf of Mexico, over 50,000 Guardsmen were deployed to aid in clean-up and restoration efforts.

I am particularly honored to have the Georgia National Guard headquartered in Georgia's 11th Congressional District, which I have proudly represented for 8 years. In 2005, the Naval Air Station–Atlanta was closed by the Base Closure and Realignment Commission, and on September 29, 2009, the Georgia National Guard took control of that facility adjacent to Dobbins Air Force Base. The Georgia Guardsmen have always served with integrity and have been there for our State during times of need.

I would also like to congratulate Major General William Nesbitt—who has a decorated career in the National Guard—for being reappointed as the Adjutant General of the Georgia National Guard by my good friend and former colleague in the House of Representatives, Governor-Elect Nathan Deal.

Mr. Speaker, it is truly a privilege to recognize the 374 years of service of the National Guard on behalf of our country, but we must take a moment to honor the men and women who have paid the ultimate sacrifice on the battlefield keeping the citizens of this great Nation safe. I want to say a gracious thank you to these brave individuals for their service and thank their families for bearing the great cost of a loved one so that America can be a better place. We will never forget these heroes, and we will always honor and admire their sacrifice.

The National Guard has and always will be an icon of the United States Armed Services, and I am very proud of the job these men and women continue to do at home and around the world.

HONORING MARIA SHRIVER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Maria Shriver, First Lady of the State of California and my first cousin for her work with her Women's Conference and Alzheimer's advocacy. Her work for those suffering from this disease is truly remarkable.

Cousin Maria is a mother, wife, daughter, sister and friend, who proudly serves as the First Lady of California. An award-winning journalist and best-selling author, Maria has transformed the office of First Lady by approaching it not simply as a role, but as a job with real purpose and a platform to make a difference. Maria became California's First Lady when her husband, Arnold Schwarzenegger, became the 38th Governor of California on November 17, 2003.

From day one, Maria made the position her own by combining her journalist's eye for the needs of real people, with a deeply ingrained passion for service and activism, and a creative entrepreneurial spirit and vision that embraces bold ideas. She has used her voice to advocate on behalf of women, the working poor, the intellectually disabled and families struggling with Alzheimer's.

Maria has created groundbreaking programs and initiatives that educate, enlist, empower, connect, and honor people who are what she calls ''Architects of Change'' in their own lives and in the lives of others. Under a banner called WE, the WE programs have been successful in motivating people to get involved and unite across gender, economic, and party lines.

Under Maria's leadership, The California Governor and First Lady's Conference on Women—an element of the WE Empower program—has grown into the Nation's premier forum for women, with more than 14,000 attendees every year since 2004. The conference encourages women to become ''Architects of Change'' in their own lives, in their communities, and in the country—and teaches them how. Hundreds of world opinion leaders and newsmakers have spoken at the conference, including Oprah Winfrey, Justice Sandra Day O'Connor, Secretaries of State Condoleezza Rice and Madeleine Albright, Barbara Walters, Governor Arnold Schwarzenegger, former Prime Minister Tony Blair, Bono, and His Holiness the Dalai Lama.

Beyond her role as First Lady, Maria has announced a project called ''A Woman's Nation.'' This multi-faceted project, in partnership with the Center for American Progress and the University of Southern California's Annenberg Center of Communication Leadership and Policy, will take a new, empirical look at the status of American women, who, for the first time,

will make up half of the nation's workforce. The preliminary survey will be released in the fall, followed by a book.

Maria is also a vocal advocate for families that—like her own—are struggling with Alzheimer's disease. She was Executive Producer of The Alzheimer's Project, a groundbreaking four-part documentary series that premiered on HBO and won two Emmy Awards. One of the films, ''Grandpa, Do you Know Who I Am?'' is based on Maria's best-selling children's book dealing with Alzheimer's.

Maria also executive-produced the critically acclaimed ''American Idealist: The Story of Sargent Shriver.'' The documentary aired on PBS and chronicled the life, accomplishments, and vision of her father, Sargent Shriver. Maria serves on the advisory board of the Sargent Shriver Peace Institute, which raises public awareness of her father's legacy as a peace builder and offers educational and training programs grounded in the principles of public service that motivate the many programs he created, including the Peace Corps, Job Corps, Head Start, and Legal Services for the Poor. In addition, she serves on the advisory board of the Lou Ruvo Center for Brain Health in Las Vegas, a new institute that will serve as a national resource for the most current research and scientific information for the treatment of Alzheimer's, Parkinson's, and Huntington's diseases.

With a career in journalism spanning more than 2 decades, Maria has been a network news correspondent and anchor for CBS and NBC, winning Peabody and Emmy Awards. She is the author of six New York Times best-selling books. Maria is also a small business owner. In February of 2008, she launched an ice cream company called Lovin' Scoopful in supermarkets around the country. A portion of the proceeds from Lovin' Scoopful benefits the Special Olympics and other charities.

Maria is a graduate of Georgetown University, with a degree in American Studies. She and Governor Schwarzenegger have four children—Katherine, Christina, Patrick, and Christopher. Maria says, ''When all is said and done, my main goal in life is to raise children who feel they are deeply loved . . . children who are kind, compassionate and aware of the world around them. If I can do that, I will consider myself a success.''

I wish Maria the best as she continues her important work on behalf of those with Alzheimer's. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

THE 30TH ANNIVERSARY OF THE ASSISTANCE LEAGUE OF BOISE, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SIMPSON. Madam Speaker, I rise today to recognize the 30th anniversary of the Assistance League® of Boise, Idaho. This outstanding association is an all volunteer, nonprofit organization that puts caring and commitment into action through philanthropic programs in Ada County, Idaho.

Thirty years ago on this day, 73 charter members opened the door to a new philanthropic organization, and over time their membership has grown to over 370. Together they provide a multitude of needed services to the community.

The seven philanthropic programs of Assistance League® of Boise focus on helping school age children in need, children and adults with hearing disabilities, and community education.

The members of Assistance League® of Boise have achieved remarkable results in improving the lives of those in need through their innovative and targeted philanthropic programs.

Congratulations to all the members of this fine and outstanding organization on your 30th anniversary. I thank you, the community thanks you, the children and families you have helped thank you.

A TRIBUTE TO THE MILWAUKEE BUILDING AND CONSTRUCTION TRADES COUNCIL

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. MOORE of Wisconsin. Madam Speaker, I rise to pay tribute to the Milwaukee Building and Construction Trades Council as it celebrates its 100th Anniversary.

The Milwaukee Building and Construction Trades Council was created in July, 1910, in order to represent all working men and women in the trades living in the Greater Milwaukee area. The Council constantly works to assist the local unions it represents, by ensuring justice on the job, achieving the highest wages and fringe benefits possible, and providing quality work for the customer. Milwaukee Building Trades' quality efforts have proven to be effective.

The former presidents listed below have worked tirelessly to fulfill the Milwaukee Building Trades' mission: Peter Schoemann (1932–1952), John Zancanaro (1953–1973), James Elliott (1974–1996), and Lyle Balistreri (1996–present). Under their leadership, the Milwaukee Building and Construction Trades Council truly built Milwaukee.

The Milwaukee Building and Construction Trades Council helped to make numerous construction initiatives possible. Such community-enhancing projects include: Petit National Ice Center, Bradley Center, Miller Park, Elm Road Generating Station, & the Marquette Interchange.

This organization has provided countless opportunities for members of the Milwaukee community. Promoting apprenticeship programs and training has developed workers capable of addressing the many varied and future labor needs of Milwaukee. Participating in labor-management projects and initiatives has left an excellent example for future building trades leaders. Members of the Milwaukee Building Trades can be proud of the work they do, and have helped shape southeastern Wisconsin.

After one-hundred years of service, the Council deserves praise for its dedication to the labor industry. By exemplifying the balance between collaboration and solidarity, Milwaukee Building and Construction Trades Council maintains solid working relationships throughout the industry.

Madam Speaker, for these reasons, I am honored to congratulate the Milwaukee Building and Construction Trades Council for one-hundred years of exemplary leadership for local unions and dedication to developing projects in the Fourth Congressional District and the State of Wisconsin.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. CHU. Madam Speaker, I am very proud that the legislation before us includes Important new options for high-poverty schools to provide free meals to all students. These new options, known as community eligibility, will reduce hassles for schools and stigma for students. They will allow schools serving our poorest communities to throw open the cafeteria doors and focus on serving the healthiest possible meals to all their students.

Right now, low-income children who qualify for free school lunches have to apply for this program and prove that they are eligible. Schools then have to process the paperwork and certify that the children qualify. But the community eligibility provisions in this bill minimize all that paperwork both for children and for schools. In schools where there are large numbers of children who qualify for free school lunches, schools would have the option to provide free school lunches to all the children in the school. This option is much more efficient—children don't have to worry about whether they qualify for the program, their parents don't have to complete the paperwork, and school personnel can focus on providing the children with the best education instead of processing paperwork. This is a better way and it's the children that benefit the most.

Low-income children contend with so many stressors in their lives, whether it's violence and addiction in their neighborhoods, parents who are working long hours for the basic necessities of living, or the stress children experience when they don't have enough to eat. The community eligibility provision in this bill makes our most disadvantaged children's lives a little easier by transforming their lunchtime experience from one of stress and stigma, to one of easy access to the food they need to develop to their fullest potential. These options are designed to be simple and easy to adopt. USDA must make it as seamless as possible for high-poverty schools to avail themselves of these new options.

The bill that we passed out of the House Committee on Education and Labor directed USDA to provide outreach and informational materials on these new options to local educational agencies and schools in which a significant portion of students are eligible for free or reduced price meals, including those receiving funds for school improvement under section 1003(g) of the Elementary and Secondary Act of 1965. But USDA does not need new authority to reach out to these schools and facilitate their use of community eligibility. Therefore I urge USDA to set policies that welcome high-poverty schools into these options and provide the support and materials to facilitate their implementation.

S. 3307 also includes a demonstration project to explore the use of Medicaid data for automatic enrollment for free school meals. Due to limited funds, the demonstration project in S. 3307 focuses on the use of Medicaid data by selected school districts around the country. However, I urge USDA to use alternative authority to allow California to conduct a statewide demonstration directly certifying children for free school meals based on Medicaid data. California's sophisticated data matching system is fully capable of conducting statewide matches to directly certify these children. A rigorous evaluation of such a demonstration project would help other states implement statewide direct certification using Medicaid data.

I must also express my deep regret that this bill is partly funded by reducing SNAP benefits. Although I support passage of this legislation, I oppose the SNAP cuts it contains, will work to reverse them, and will strongly oppose any further cuts to SNAP benefits.

H. RES. 1631 WILL HARM EFFORTS FOR REUNIFICATION OF CYPRUS

HON. BILL DELAHUNT

OF MASSSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September, 28, 2010, ''Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom,'' may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot communities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631 spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish—Muslim cultural sites in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time, could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

A TRIBUTE TO REV. WALTER J. MORRIS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Rev. Walter J. Morris.

Born in Mobile, Alabama, Rev. Morris has always been committed to service to the elderly community and serving others. At a very young age, he showed great respect for all people and took an interest in serving others. This was instilled in him from his late parents, Johnny and Emma Morris, who believed in strong morals and values, and respecting oneself and others. He was raised in a very large family, and is number eight of twelve children. He was educated in the Mobile County public school system, and was also the first male to graduate from high school in his family.

Rev. Morris went on to complete his education and graduated from the General Society of Mechanics and Tradesmen Mechanics Institute's, ''Building Construction Superintendence Program'' in 1973; Wilfred Academy Cosmetology School in 1993; New York Theological Seminary in 1997; Blanton Peale Graduate Institute in ''Pastoral Care Awareness'' in 1997; and attended New York College Alliance Theological Seminary, ''Pastoral Ministry'' and ''Biblical Studies'' from 2000 to 2003. Professionally, his first job was at Robert Hall Clothes Store. Later he transitioned to H.L. Lazar Inc., where he worked for more than twenty-one years, initially employed as a messenger. During the first sixty days he received two promotions. Rev. Morris received numerous promotions, including Field Service Supervisor in the construction department. He was promoted to Construction Superintendent in 1974, to be named the first Black Superintendent in the company until they went out of business in 1990. He moved on and continued to work in the construction industry until 2006, until retirement.

Rev. Morris has always been a Christian; his first church was Mt. Pleasant Baptist Church, in Mobile, Alabama. He continued his life of ministry at the Bethany Baptist Church, where he served as an Associate Minister under the pastorate of Rev. Dr. William A. Jones, Jr. who licensed him to preach in 1998, and ordained him in 2006. Rev. Morris has been in the community and active at the Bethany Baptist Church for over twenty years in various ministries, visiting the sick and shut-in, praying for people and preaching midweek services.

Rev. Morris served as the Chairman for the clergy group ''The Community Benefit Agreement'' for the Atlantic Yard Project, and is one of the original signatories. He feels that it is an honor to be able to help someone and encourage our youth to know that there is more to life than going to jail. As of five months ago, he started a new church, The Anointed Church with a Vision, in the Brownsville area, where he is the current and active Assistant Pastor.

God also blessed him seven years ago with a lovely wife, Barbara Morris, and step-daughter, Karen Miller where they currently reside in Brooklyn, New York.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Rev. Walter J. Morris.

HONORING AMERICAN SOCIETY FOR TRAINING AND DEVELOPMENT AND RECOGNIZING THE IMPORTANCE OF EMPLOYEE LEARNING WEEK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HOLT. Madam Speaker, I rise today to recognize the American Society for Training and Development and to commend them for its annual Employee Learning Week.

The ASTD is the world's largest association dedicated to the training and development field. Each year the ASTD sponsors Employee Learning Week to recognize the value of employee learning and the important link between a knowledgeable, highly skilled workforce and organizational success. This year Employee Learning Week will be celebrated December 6th through the 10th.

The ASTD has been committed to creating a highly skilled workforce that is critical to growing and sustaining a competitive advantage. There are 130 U.S. Chapters and 30 international partners including the Mid New Jersey Chapter with 140 members across Central New Jersey. Led by Peter J. Rizza, ASTD's Mid New Jersey Chapter members consist of training directors and human resource managers from a broad range of business and government agencies.

I applaud ASTD for its positive role in recruiting, training and developing the workers of today and the leaders of tomorrow. I ask my colleagues to join me in congratulating ASTD and recognizing Employee Learning Week.

A TRIBUTE TO RUSS NORMAN, M. ED.

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SCHIFF. Madam Speaker, I rise today to honor Mr. Russ Norman, an emeritus faculty member at Glendale Community College, whose commitment to education has contributed substantially to student achievement.

Professor Norman began teaching business courses at Glendale Community College in 1955, and continued as a full-time professor until his retirement in 1995. As a dedicated educator, Mr. Norman has continued teaching as an adjunct faculty member since that time. He primarily teaches accounting courses, in addition to written business communications and mathematics of finance courses.

Professor Norman holds a bachelor's degree and a master's degree in education (M. Ed.) from the University of California, Los Angeles.

In his early years at Glendale Community College, Mr. Norman served as coach of the Judo Club. Under his leadership, the club garnered its first Southern California Kodokan Judo Association Collegiate Championship, beating his alma mater, UCLA.

Even more impressively, Mr. Norman's accomplishments stretch far beyond his role as a college instructor and coach. He served on the Board of Governors for the Institute of Internal Auditors, and was the coordinator of a

project to create an IMAX theater in Jakarta, Indonesia. It was Mr. Norman who supervised procurement of system components, and brought in the company which filmed the first film shown in the venue. Further, Mr. Norman is a veteran, having served in the U.S. Army at the beginning of World War II.

Russ Norman is a tremendous asset to Glendale Community College and to our community, and I ask all Members to join me in thanking him for his dedicated service and remarkable achievements.

CONGRATULATING JOE GROSS ON HIS RETIREMENT FROM ST. ELIZABETH HEALTHCARE

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DAVIS of Kentucky. Madam Speaker, I rise to recognize the career of Mr. Joe Gross and to congratulate him on his retirement from St. Elizabeth Healthcare after an outstanding 25 years serving our community.

Joe's contributions to the St. Elizabeth Healthcare system and the northern Kentucky health care community have been significant. Thanks in large part to his leadership, St. Elizabeth's has emerged as a robust hospital system in our region that has introduced many new and innovative approaches to health care to our area.

St. Elizabeth Edgewood has been named one of America's 50 Best Hospitals by HealthGrades for 4 consecutive years, one of the nation's 100 Top Hospitals by Thomson Reuters for 5 years, the first hospital in the tri-State to be awarded Magnet status by the American Nurses Credentialing Center, ANCC, for excellence in nursing care.

Joe has also been recognized personally through a number of awards and honors, including Healthcare Manager of the Year in Cincinnati and the Healthcare Hero Lifetime Achievement Award by the Cincinnati Business Courier, the Distinguished Service Award from the Kentucky Hospital Association, and the Northern Kentucky Chamber of Commerce's Walter R. Dunlevy/Frontiersman Award.

In addition to his responsibilities with St. Elizabeth, Joe has been actively involved in the community over the years, including as a chairman of the Northern Kentucky United Way campaign and in working with area colleges to provide scholarships and learning opportunities for students in nursing and other allied health professions.

In sum, Joe has made a difference in the lives of northern Kentuckians. He and his team have worked to improve access to quality health care to all in Northern Kentucky. I have enjoyed working with Joe closely on health policy and I have come to count him as a friend.

I thank Joe for his service to our community and wish him the very best in his next adventure.

I ask my colleagues in the U.S. House of Representatives to join me in recognizing Mr. Joe Gross' accomplishments and contributions and wishing him many more years of health and happiness.

HONORING RON JELINEK

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. UPTON. Madam Speaker, I rise today to pay special tribute to my dear friend, State Senator Ron Jelinek of Berrien County on the occasion of his retirement. A lifelong Michigan resident, Ron has dedicated himself to serving the people of southwest Michigan and improving the quality of life for all Michiganders.

After receiving his degrees from Michigan State University and Western Michigan University, Ron began his career as an educator in the River Valley School District, where he taught for three decades.

In 1996, Ron was first elected to the Michigan House of Representatives where he was popularly reelected to two additional terms. Ron was then elected to the Michigan State Senate in 2002. Throughout his 14 distinguished years in public office, Ron has been a leading champion of public education and Michigan agriculture.

Beyond the duties of elected office, Ron has proven himself to be a natural community servant. He serves as a member of the Berrien County Farm Bureau, the Three Oaks Free Methodist Church, the Michigan Coalition of Responsible Gun Owners, and the River Valley Engine Club. He also was a co-founder, officer, and volunteer for the Three Oaks Ambulance Service, and involved in Future Farmers of America, 4–H, and Girl Scouts.

Ron's leadership, knowledge, and compassion have made him an indispensible asset to the citizens of Berrien County and the State of Michigan. As Senator Ron Jelinek prepares for his retirement, he leaves both an example for future public servants and a legacy that will benefit southwest Michigan for years to come. I am truly honored to call Ron a colleague and friend.

A TRIBUTE TO DR. MODDY H. KILUVIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Dr. Moddy H. Kiluvia.

Moddy H. Kiluvia, MD joined North Brooklyn Health Network in August 2006 as an attending Psychiatrist at Woodhull Hospital Psychiatry Emergency Room. He is responsible for providing acute Psychiatric care to the residents of Bushwick, Bedford Stuyvesant, Fort Green, Williamsburg and Greenpoint.

Dr. Kiluvia was born in Tanzania, East Africa. After graduating from high school, he received a full scholarship to attend medical school at Turkey's most prestigious medical school, Hacettepe University, School of Medicine in Ankara, Turkey. After graduating from medical school he immigrated to United States in 1997 to pursue his residence. He first worked at New York City Fire Department as a medical reviewer.

Dr. Kiluvia started his residence in Psychiatry at Mt. Sinai School of Medicine, Cabrini from 2001 to 2005. He then did his Advanced Residence (fellowship) in Addiction Psychiatry at Yale University between 2005 and 2006. During his residence and fellowship, Dr. Kiluvia received several awards from American Psychiatric Association (APA). He received APA/ASTRAZENACA fellowship for outstanding minority resident in Psychiatry as a resident and APA/SAMHSA minority fellowship award during his fellowship.

Additionally, Dr. Kiluvia works part time at Rikers Island as a per diem Psychiatrist. Despite his busy work schedule, Dr. Kiluvia finds spare time to work as a Doping Control Officer (DCO) for International Doping Testing Management (IDTM), conducting doping tests on Olympic athletes. The job gives him opportunity to conduct doping tests in various major international sports tournaments including World Cup Soccer in South Africa (2010), US Open Tennis (2009), DN Galan Athletic Tournament in Stockholm, Sweden (2009 and 2010) and various other out-of-competition doping controls on high profile athletes in major international sports.

Dr. Kiluvia enjoys dancing, traveling, watching sports especially soccer, basketball and tennis. He is married to Zelda.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Dr. Moddy H. Kiluvia.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Ms. RICHARDSON. Madam Speaker, I rise today in support of S. 3307, ''the Healthy, Hunger-free Kids Act of 2010.'' This bill will improve childhood nutrition and also women, infant, and children programs.

I thank Chairman LINCOLN of the Senate Committee on Agriculture for her leadership in shepherding this bill through the Senate and applaud Chairman GEORGE MILLER's continued commitment as well.

Nearly one quarter of children live in households that are struggling to put enough food on the table and approximately one third of children are overweight or obese. Both of these statistics represent serious threats to the future of our Nation's public health and security.

Specifically, S. 3307 will increase school lunch funding to help schools offer healthier meals, limit the availability of junk food at schools, and leverage public-private partnerships to identify successful community-wide strategies to improve child nutrition. It will help struggling families by modernizing the WIC benefit programs in transitioning from paper vouchers to an electronic program. This legislation also provides mandatory funding for innovative state and local projects that address childhood hunger and promote food security for low-income children.

The Healthy, Hunger-Free Kids Act gives 115,000 new students access to school meals by using Medicaid data to certify eligibility and provides an additional 21 million meals annually for at-risk children by reimbursing providers for meals served after school. This legislation improves the nutritional quality of

school meals by increasing reimbursement rates to school districts that meet federal nutritional standards and it eliminates junk foods in schools by applying nutritional standards for all food products sold in schools.

In California 3.1 million children get help from the national school lunch program. Now is the time to make these changes by passing the Healthy, Hunger-free Kids Act tomorrow.

Madam Speaker, for these reasons, I urge my colleagues to join me in supporting S. 3307.

RECOGNIZING EUGENE GWIZDALA

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Eugene Gwizdala as he retires from the Bay County Commission after serving 34 years as the Commissioner for the 8th district. A celebration is planned for December 14th in Bay City, Michigan in his honor.

First elected in 1975 to represent the 4th district, Eugene served through 1984. He was elected in 1987 to represent the 8th district and has held the position since that time. During his tenure he was Chairman of the Board in 1997, 1998, 1999, and 2005; and Vice-Chair of the Board in 2000, 2001, 2003, 2004, 2006, 2007, 2008, and 2009. He also served on numerous county boards and commissions. He was a member of the MSB Airport Commission, working tirelessly to develop and secure services for airport customers and ensure the future of the airport. Eugene was also instrumental in the creation of the Bay County Mosquito Control Program.

Madam Speaker, Eugene Gwizdala has served the people of Bay County with diligence, insight, and enthusiasm. He has spent the past three decades of his life committed to improving the quality of life for the residents of Bay County. I wish him the best as he retires and enters the next phase of his life.

COMMEMORATING THE FORTIETH ANNIVERSARY OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the work of the U.S. Environmental Protection as it celebrates its fortieth anniversary.

EPA was established December 2, eight months after the nationally-celebrated Earth Day. EPA's work has been much in the forefront in recent years, particularly related to its work to regulate greenhouse gas emissions. There are some that disagree with EPA's approaches, believing that they cause increased costs to industry and hurt the economy. Yet we have all benefitted from its results. No one can dispute that EPA's efforts have provided a cleaner, healthier environment for the American people.

Congress has given EPA much to work with, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, the Superfund Law. Oil Pollution Act, and other laws. The agency has done its best to meet stringent congressional mandates through strong scientific and medical-based research, working with states, industry and the public, encouraging voluntary actions and taking aggressive enforcement actions when needed.

Sadly, some of my colleagues are now criticizing the agency for following the law and discussing ways to prevent the agency from doing its job. Under the Clean Air Act, Congress directed EPA to regulate air pollutants on health-based standards. I urge my colleagues that refrain from this criticism and think twice before weakening regulations that protect our health.

There is a strong record of achievement. Let me list some of EPA's many accomplishments in these forty years:

Removing lead from gasoline

Reducing acid rain

Establishing vehicle efficiency and emissions control standards

Controlling toxic substances management and disposal

Banning widespread use of pesticides such as DDT

Promoting recycling of potential waste

Achieving cleaner drinking water

Making information on environmental concerns available to the public

Revitalizing communities with Brownfield grants

In addition, EPA is called upon to respond to natural and man-made disasters. In the last ten years, EPA assisted in the World Trade Center response in 2001; performed several cleanups of anthrax, including the Hart Senate Office Building, in 2001; cleaned up following Hurricane Katrina in 2005; retrieved Columbia Shuttle debris in 2003; responded to the collapse of the TVA dam in Kentucky in 2008; and provided support to the BP oil spill response in 2010.

For four decades, EPA has confronted environmental challenges, fostered innovations, and cleaned up pollution in the places where people live, work, play and learn. Anyone who travels outside this country to areas without strong environmental protections can attest to the benefits to our well being from reducing pollution. Over the past forty years, it is undisputed that EPA has improved our environment and the health of all Americans.

A TRIBUTE TO JULIA FENNER HOLLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Julia Fenner Holland.

Julia Fenner Holland, a native North Carolinian, was born and raised in a little town called Scotland Neck. The middle child of eleven siblings, she received her formal education in the Halifax County Public School System and continued her education at the North Carolina Central University. Julia was an active participant in the civil rights movement during the 1960s. Upon moving to Brooklyn, New York in 1969, she enrolled in Cornell University School of Industrial and Labor Relations and later completed studies at New York State Stenotype Academy in Manhattan, New York.

Julia grew up in a wholesome rural environment where her parents instilled in their children the importance of sound religious values and education. She attributes her success in life to her parents who throughout their lives taught that one can attain anything in life by working hard and by having faith in God. In 1973, she was employed by the U.S. Postal Service and retired in 2003. During her tenure with the U.S. Postal Service, she held executive positions with the postal union. In this position, she traveled widely to various foreign countries, and to nearly every state in the Union promoting women's rights in the workplace. Her vast experiences have impacted the lives of many people positively.

She began her fraternal career in the Prince Hall Masonic Family in 1986. Since becoming a member, she has served untiringly with grace and pride in various positions, voluntarily doing charitable and benevolent work in her community and across the State of New York to help make a better life for others. Julia's philanthropic spirit embodies the very nature of the ethos of the Prince Hall Order of Eastern Star.

In June 2009 Ms. Holland was elevated among her peers to the esteemed position of Grand Worthy Matron of Eureka Grand Chapter Prince Hall Order of Eastern Star., Incorporated, for the State of New York. In this position, she is the chief administrator of 53 subordinate chapters comprised of nearly three thousand members.

She grew up in the Baptist Church in North Carolina and in 1988 received the right hand of fellowship at Berean Baptist Church located in Brooklyn, New York, where she remains a member.

She finds time to read, sew, and practice developing graphic art images on the computer when she is not doing voluntary work in soup kitchens in the East New York section of Brooklyn.

The proud parent of two adult sons, Cedric and Christopher, she also had two lovely granddaughters, Naima and Nya. She emphatically states "God has been good to me".

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Julia Fenner Holland.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. CONYERS. Madam Speaker, I rise in support of the child nutrition bill, S. 3307, the Healthy, Hunger-Free Kids Act of 2010. The reauthorization of this bill will significantly improve child nutrition programs by addressing hunger and obesity in children. It will provide healthier meal options, eliminate junk-food and sugary beverages from a la carte lines and vending machines from all schools, increase student eligibility to access school meals and

enhance school wellness policies to improve opportunities for nutrition education and physical activity.

At a time when unemployment rates continue to climb it is essential that we provide for the nutritional needs of our children. As a result of these tough economic times many families are stricken with poverty and are currently facing severe food shortages. Furthermore, obesity is increasing at an alarming rate due to poor dieting. Nearly one third of children are either overweight or at risk of becoming overweight. Obesity is even a greater problem amongst African-American children. Currently, thirty-six percent of African-American youth are either overweight or obese compared with less than thirty percent of white youth. This is a result of the fact that African American children are more likely to lack access to healthy fruits and vegetables at lunch time. For example, in a school with a majority of all Black students, forty-seven percent of Black middle school students receive fruits and vegetables compared to sixty-three percent of students in predominately white schools. Childhood hunger and obesity is unacceptable within our country. Moreover, these disparities must be addressed. Our children deserve better and, thus, the time to strengthen our child nutrition programs is now.

It is disappointing that my Republican colleagues would attempt to kill this bill and leave children to the pain of hunger and lack of nutritional meal. But, we cannot afford to delay the passage of S. 3307. This bill is our best chance at combating obesity and hunger and addressing disparities in child nutrition. Although it is paid in part by ending a temporary increase to the Supplemental Nutrition Assistance Program (SNAP) benefits, I am confident that President Obama and his administration will work to restore these benefits before the SNAP cuts take place. I urge that my colleagues vote "No" on the Motion to Recommit and "Yes" on S. 3307.

HR. 5114—FLOOD INSURANCE REFORM PRINCIPLES ACT OF 2010

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mrs. McCARTHY of New York. Madam Speaker, I firmly support H.R. 5114, the Flood Insurance Reform Principles Act of 2010, and requested to be a cosponsor, with consent from the bill's principle sponsor. Unfortunately, under House Rules, cosponsors may not be added to legislation once a house report has been filed for that legislation.

I have worked tirelessly on this issue, both with my colleagues on the Financial Services Committee, as well as Senator SCHUMER. I remain committed to working on reforming the National Flood Insurance Program, and will support this again, should it return to the House for a final vote.

When we reconvene for the 112th Congress, I will work with the bill's sponsor to ensure this important legislation is reintroduced.

HONORING PAUL SCHRADE

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Paul Schrade on the occasion of the dedication of a library in his honor at the Robert F. Kennedy Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, my uncle, the schools are devoted to social justice. Paul was one of the five people wounded the night Senator Kennedy was assassinated at the Ambassador Hotel, where the Schools Complex is located.

Paul, a close friend and campaign staffer, was right behind Senator Kennedy when shots rang out shortly after RFK's victory speech following the California Democratic presidential primary on June 5, 1968.

The 24-acre, $578 million schools complex on Wilshire Boulevard consists of six different schools for grades kindergarten to 12, with more than 4,000 students, the vast majority of them from Latino and low-income neighborhoods. Paul, 85, was a driving force behind the project, which was fraught with obstacles from the start, including Donald Trump's plans to build five towers at the site, one of them 125 stories tall. Later, Wal-Mart wanted to put a store there.

Senator Kennedy's commitment to social justice is evident throughout the campus with murals, quotations and similar exhibits.

Originally designed as a large, comprehensive K–12 school that would house more than 2,400 students, the school district determined in 2008 that the facility would host wall-to-wall pilot schools, which opened this fall. Pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Among the new school's many features is a 500-seat auditorium and cafe at the site of the old Coconut Grove nightclub, built adjacent to the hotel in the 1920s, where LA's rich and famous would go to party. Howard Hughes was a regular there and several Academy Awards events were held there during the 1930s.

Groundbreaking on the new schools took place four years ago.

Paul has been instrumental in the improvement of public education in Los Angeles. His lifelong mission, since RFK's death, has been to perpetuate the best of what Kennedy stood for. I wish Paul all the best as he continues his important work on behalf of young people. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

A TRIBUTE TO ARNOLD DEBRICK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SKELTON. Madam Speaker, let me take this means to recognize an American veteran, Arnold Debrick of Paola, Kansas, for his heroic service during WWII. On Sunday, December 5, 2010, Mr. Debrick will be awarded the French Legion of Honor for his extraordinary bravery in liberating France during WWII. The French Legion of Honor was founded by Napoleon Bonaparte in 1802, and it is the highest distinction that France can bestow upon those who have achieved remarkable deeds for the country. Mr. Debrick served in France, Luxembourg, Belgium, and Germany, and participated in the Ardennes, Rhineland, and Central Europe battles, including the Battle of the Bulge, and the liberation of Buchenwald, a German Nazi concentration camp outside of Weimar, Germany.

In the summer of 1944, at the age of 19 and meager weight of 125 pounds, Mr. Debrick enlisted in the United States Army. On New Year's Eve, 1944, he boarded the Queen Mary in New York's harbor and departed the United States. He sailed across the Atlantic to combat an evil the likes of which had never been seen in modern history. During the chaos of war and beneath a barrage of mortar fire, Mr. Debrick was separated from his original unit but was able to hop onto the back of an American chow truck, which led him to Company B of the 9th Armored Infantry Battalion of the 6th Armored Division, United States Army.

After weeks of grueling battle in the dead of an unforgiving winter, an officer noticed Debrick's feet had turned completely black. He was sent to the hospital in Metz, France, and it was determined he had trench foot. Each day, then Private First Class Debrick waited anxiously in the hospital bed with his feet elevated; he feared he would share the similar fate that many of his brothers in arms had met and would face amputation. Yet, his faith was unyielding and partial circulation eventually returned to his feet. After many days, he was able to rejoin his outfit. To this day, Mr. Debrick says that his feet getting cold is a constant reminder to give thanks to God for not only saving his feet but his life as well. To all of us in this grateful nation, Mr. Debrick's cold feet should also serve as a solemn reminder of the many sacrifices our brave men and women in uniform endure and that we will forever be indebted to them for the freedoms and many blessings we have in America.

Just as France will recognize Mr. Debrick's exceptional service and sacrifices this coming Sunday, it is also fitting and appropriate that we do so today as one grateful nation. Mr. Debrick's bravery is admirable and inspiring and I am honored to acknowledge his service during WWII. I trust that the Members of the House will join me in thanking him.

A TRIBUTE TO GINA PARHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Gina Parham.

Gina Parharn was born on August 30, 1957, in Brooklyn, New York. She is the daughter of the late Gloria Green and mother of Tavelle S. Parham. Gina was raised by her extended family.

Gina received her education in the Public School System here in Brooklyn. She attended college in New York City, and has returned to

complete her Bachelor of Arts in Human Resources. She accepted Christ and was baptized at the early age of ten, under the Pastorate of the late Rev. Dr. Hylton L. James. Dr. James allowed the youth of Berean to take a part in the morning worship program and this is where her Christian journey began.

Her work experience spans from city to private corporations. She is presently employed by Vanguard Temporaries, New York and White Plains, New York as a Human Resources/Benefit Administrator and an Administrative Assistant. She loves to help others. Rarely will she turn anyone down if in need of her assistance. She is an event planner, loves to read, travel and cook.

Her past and present affiliations include the following: President and Dean of Pledges for Zeta Phi Beta, Sorority, Inc. Omicron Beta Chapter in Brooklyn; Officer and member of various youth organizations at Berean, such as the Girl Scouts, Jr. Ushers, Youth Lay League, Cherub Choir and Gregory Daffin Singers; Co-Chairperson on the Culinary and Decoration Committee for Women's Day Committee 2007; and was a student in Berean's Bible Institute. She currently serves as Assistant Financial Secretary and Luncheon Co-Chairperson for the Brooklyn Sunday School Union; she is a member of Church Women United in Brooklyn, Inc., Berean's Joint Usher Ministry, where she serves as a supervisor to the Jr. Usher Ministry, Berean Broadcaster and Sunday School Ministry. She also is a graduate of George T. Grier School of Ushering in June 2010.

Volunteering is important to Gina. She continues to do volunteer work three days a week or more at the Evangelical Lutheran Church of the Epiphany, Epiphany Lutheran School. She volunteers for voter registration drives, assists seniors when in need, (i.e. shopping, going to the doctor or any other task they may ask of her). Gina loves to work with the seniors at Berean, especially on Senior Emphasis Sunday, an experience that brings joy to her heart.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Gina Parham.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of the ''Healthy, Hunger-Free Kids Act of 2010,'' legislation to extend and improve the nation's policies and programs with respect to child nutrition.

I want to thank the Chairman of the Committee on Education and Labor, my good friend, Mr. GEORGE MILLER, and all the members of the Committee for their work on this comprehensive bill on nutrition programs for the children of America. I also want to thank the cosponsors and all the stakeholders for their support and advocacy.

This piece of legislation will make improvements in existing nutrition programs for kids by helping our nation fulfill the following objectives: reduce childhood hunger by expanding access to the child nutrition programs; reduce childhood obesity and other health concerns by improving nutritional quality of meals; and make improvements in how the programs are administered.

Historically, child nutrition programs have served many needs in our schools and communities across the nation. For example, since 1946, the National School Lunch program has provided nutritionally balanced lunches to children across the county. Today, more than 31 million children each school day in over 101,000 public and private nonprofit schools and residential child care institutions receive nutritional lunches through this program.

Since 1966, the School Breakfast Program has provided nutritionally balanced breakfasts to America's children. Today, 11 million children in more than 88,000 public and private nonprofit schools and residential child care institutions are receiving healthy meals to start off their school day.

Nutrition programs have also been a key factor in supporting children and the family outside of school cafeterias. Programs such as the Child and Adult Care Food Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) provide nutrition and support to low-income families, benefiting mothers, infants, and young children across the nation.

Overall, these family nutrition programs have provided many critical services for our children. In 2009 alone, The Child and Adult Care Food Program distributed 1.9 billion meals to over 3.3 million participating children and adults. Additionally, the WIC program supported 9.1 million participants in all 50 States, U.S. Territories, and 34 Indian tribal organizations.

Emerging challenges, however, necessitate improvements. Most disconcerting is the USDA 2009 report showing an increase in food insecurity. The report shows that 6.7 million households, including 16.7 million children, across the nation lacked money and other resources for food. This is unacceptable.

Moreover, obesity rates between 1963 and 2004 quadrupled for children ages 6 to 11 years and tripled for children between 12 and 19 years old. Strong correlation between obesity rates and other chronic diseases including cardiovascular disease, hypertension, and diabetes, suggests that we have a major problem to confront. Now is the time to act.

The United States of America must take care of her children by providing the necessary resources to maintain a healthy lifestyle. As we all know, a child's health has a direct impact on their education and their future.

We must therefore address the emerging health challenges and negative trends by stepping towards improvements in our child nutrition policies and programs.

The ''Healthy, Hunger-Free Kids Act of 2010'' is a crucial step towards addressing these challenges and reversing these trends. I urge my colleagues to vote ''yes'' and support this important legislation.

NEW YORK TIMES SHOWS DOUBLE STANDARD ON LEAKS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SMITH of Texas. Madam Speaker, the New York Times recently decided to print classified State Department documents obtained illegally by WikiLeaks.

But one year ago, The Times declined to print information released during the ClimateGate scandal that showed scientists were hiding contradictory temperature data.

Regarding its decision to print the WikiLeaks documents, The Times wrote: ''For The Times to ignore this material would be to deny its own readers the careful reporting and thoughtful analysis they expect when this kind of information becomes public.''

In contrast, The Times said they did not publish the ClimateGate documents because, ''The documents appear to have been acquired illegally and contain all manner of private information and statements that were never intended for the public eye, so they won't be posted here.''

There is no better example of a double standard.

A TRIBUTE TO MS. DONNA EVELYN ANDERSON WHITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Donna Evelyn Anderson White.

Ms. White was born on February 23, 1960, in Manhattan, New York, where she spent most of her childhood. She attended P.S. 103 and Montauk Junior High School for her elementary education, graduated with honors from Franklin Delano Roosevelt High School and received a Bachelors of Arts in Humans Services from the University of Buffalo.

A strong love for children led Ms. White to become a teacher at the Trey Whitfield School. She started out as a substitute teacher at the school, but a commitment to the institution and its children kept her there. Now, after teaching Kindergarten for sixteen years at the Trey Whitfield School, Ms. White teaches Pre–K. Teaching has been her passion and one of her greatest joys in life; she loves helping students achieve their personal and academic goals. Ms. White is considered ''the other mother'' to some at the Trey Whitfield School because children can come and talk to her about anything. She strongly believes that in life, one cannot do it alone; as the old adage goes, ''it takes a village to raise a child.''

Ms. White has always enjoyed singing—whether at church or just for fun. She shares this passion by serving as the choir director for the Trey Whitfield School's Children's Concert Choir. This choir is seasoned! They sing from state to state and, under Ms. White's direction, bless people with beautiful music.

Ms. White recently received the Mary McLeod Bethune Award for Excellence in Education/Song Bird. For her continuous efforts in

the education for the children, this recognition was long overdue. After receiving this award and many other honors, Ms. White knows that she is not doing the work alone. God is on her side. Beyond her teaching duties, Ms. White proudly serves her community by tutoring and mentoring inner-city youth.

In addition to caring for children in the community, it should also be noted that Ms. White lives for her own children as well. She is a proud mother of two daughters: Whitney and Whynter. Whitney is a senior at Loyola University in Baltimore, Maryland, and Whynter is a sophomore at Nazareth Regional High School in Brooklyn, New York.

Ms. White owes all of her success to two women: Her mother, Patricia Robinson, and her deceased grandmother, Evelyn Jenkins. Ms. White's mother is not just a parental figure, but a best friend; her grandmother always provided guidance, telling her that, "little becomes much when you place it in the Master's hand." Both women offered constant support, encouragement and taught her how to bring out the best in others. Ms. White stands on the shoulders of these two valiant women and her life is a testament to their love.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ms. Donna Evelyn Anderson White.

COMMENDING THE MARSHALL CENTER

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Res. 528, which commends the George C. Marshall European Center for Security Studies for its valuable contributions to international peace and security throughout Post-Soviet Europe and Asia. This important measure honors the Marshall Center for promoting regional stability through a new generation of military and civilian leaders; commends its Director, Dr. John P. Rose; and strengthens the bonds between America and its allies as we work to ensure global peace and prosperity.

I thank Chairman BERMAN for his leadership in bringing this resolution to the floor and for his dedication to promoting effective foreign policy that meets the challenges of an ever-changing world.

I also applaud Congressman TANNER for sponsoring this legislation. This resolution is emblematic of his commitment to transatlantic security cooperation, a cause he has championed both as a Member of Congress and as President of the NATO Parliamentary Assembly.

Mr. Speaker, the George C. Marshall European Center for Security Studies, the Marshall Center, was established in 1993. It is an institute dedicated to security and defense studies tailored to advancing post-Cold War democracies in Europe and Central Asia.

As a joint partnership of the United States and German governments, the Marshall Center stands as a testament to the power of international collaboration. Alumni of the Marshall Center serve as military officers, ambassadors, government ministers, and elected officials in over 100 countries. Carried by the spirit of the Marshall Plan, which rebuilt Europe following World War II, the Marshall Center has created a new generation of leaders fully prepared to tackle the most important security issues facing Europe, Asia, and North America.

Mr. Speaker, since World War II, the security of the United States has been intimately connected to the stability of Europe and Eurasia. Many of my constituents fought bravely overseas to protect and promote this stability. We owe it to our veterans and to future generations to continue working for global security; the Marshall Center is a crucial part of this effort.

I urge my colleagues to join me in supporting H. Res. 528.

HONORING THE OUTSTANDING PUBLIC SERVICE OF KATHY BECKER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TANNER. Madam Speaker, I rise today to tell you about a dear friend of mine who has served the House of Representatives longer than you, me and the vast majority of our colleagues.

Kathy Becker's distinguished career on Capitol Hill spans more than 40 years, during which she has made important contributions not only to the districts she has served but to our country and our international alliances.

Kathy grew up near here in Federalsburg, Maryland, on the Eastern Shore and attended the University of Maryland and George Washington University before coming to Capitol Hill in May 1971. She worked almost four years for Congressman Frank Denholm of South Dakota and then—fortunately, for us—came to the Tennessee delegation, where she has served much longer than any of us elected to represent Tennessee in this chamber. She worked for 3rd District Congresswoman Marilyn Lloyd for more than 4 years and then joined the 8th District team working for my predecessor, Congressman Ed Jones.

When Betty Ann and I took office in 1989, we were very grateful that Kathy agreed to stay on the team as executive assistant, and she has been a loyal, dedicated staff member to us and an exceptional public servant to the people of west and middle Tennessee.

Kathy has been on Capitol Hill for some of history's biggest moments. She has seen eight presidential administrations, including one president who was impeached and another who resigned to avoid the same. Kathy was here when the Vietnam War ended, the Berlin Wall came down and fundamental extremists attacked our country on September 11, 2001.

One of the great honors I have had is representing the House of Representatives on the NATO Parliamentary Assembly, serving 6 years as chairman of the U.S. delegation to that body and 2 years as President of the NATO Parliamentary Assembly. This opportunity has allowed us to help strengthen diplomatic ties with parliamentarians from our closest allies, relationships that had been strained in recent years.

Our efforts there would not have been possible without Kathy's work staffing the U.S. delegation here and abroad. She has helped us stay in communication with our allies and the NATO Parliamentary Assembly team in Brussels; organized important sessions to help us get to know our fellow parliamentarians more closely; and ensured we are able to best represent our country and the House of Representatives on both sides of the Atlantic Ocean. Her commitment and hard work have helped our country continue rebuilding its reputation with our NATO allies, which is especially important to the men and women in uniform who are serving our nation around the world.

In January, Kathy will retire from Federal service, and she can do so proudly, knowing that in a career that spanned more than 4 decades, she has been a part of history and has served our district and her country honorably. Madam Speaker, I ask that you and our colleagues join Betty Ann, our family and me in congratulating and thanking Kathy Becker for her unparalleled commitment to public service.

CONGRATULATIONS TO BERNIE AND REEVA NOWITZ

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TONKO. Madam Speaker, I would like to call the attention of the House to the remarkable accomplishments of Reeva and Bernie Nowitz as The Israel Center, a program of Jewish Educational Resources of New York, JERNY, prepares to honor them later this week.

Bernie Nowitz is a retired pharmacist. As the former president of Burns Pharmaceuticals in Rensselaer, New York, Bernie served my constituents faithfully for 24 years. After his retirement, he worked as a pharmacy consultant and then as a volunteer for the Schenectady Free Clinic. He has served as a board member of Jewish Family Services, and is a past president of Temple Beth El in Troy, where he currently serves on the Religious Committee.

As part of a fact-finding mission, Bernie traveled to the former Soviet Union and Austria to understand the plight of Jewish refugees. He has also traveled to Israel with the Volunteers for Israel project on two separate occasions. Bernie and his wife, Reeva, have been strong supporters of Israel since their first trip 35 years ago. They have been longtime supporters of JERNY and Hadassah as well.

Reeva Nowitz, who is also being honored by JERNY, was Vice President of Burns Pharmaceuticals, working alongside her husband. Since her retirement she has been involved with the Jewish Federation, serving as president of the Women's Division and has been on the boards of the Jewish Federation of Northeastern New York and the Daughters of Sarah Foundation. She is the current president of Temple Beth El in Troy and helped in the formation of the Albany Area Jewish Cemetery Association of Northeastern New York.

Reeva and Bernie are shining examples of Americans who actively demonstrate their commitment to their family, their community and their faith. Bernie often assists Reeva with her duties at Temple Beth El of Troy where

she has served as president for several years. Together with the other families that make up this small but active congregation, Temple Beth El has come to be known in the community as a place where friends and family gather each week for informal services. There, spiritual leader Alan Bell works with the members to develop weekly educational and religious activities for members and non-members alike. The services are inclusive and accessible, bringing children and grandchildren into active participation during worship.

The Nowitzs have lived the dream of seeing their love survive many decades, as their children grow to be fine adults and their family blossoms to include grandchildren. They have been members of Temple Beth El for more than 50 years and attended Hebrew School there. Reeva was born in nearby Cohoes. Bernie was born in the Bronx and moved upstate to Troy at age three.

Reeva and Bernie have been married for more than 46 happy years and have been part of the Temple Beth El and Troy community for that entire time. They have been blessed with two daughters, Cheryl and Nicole, Cheryl and Nicole. Cheryl is married to Anthony Klein and they live in Palto Alto, California with their children Alex and Daniel. Nicole works in real estate in New York City.

I ask my colleagues to pause to congratulate Reeva and Bernie for being among the honorees at the Israel Heroes Dinner on Thursday, December 2, 2010.

HONORING STEVEN HURD

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. MICHAUD. Madam Speaker, I rise today to recognize Steven Hurd on the occasion of his retirement after 38 years of dedicated service in the Department of Veterans Affairs.

Throughout his career, Steve has fought tenaciously to improve the quality of life of veterans and their caregivers. Steve began his VA career in 1972 and served in a variety of Recreation Therapy positions. From 1983 to 1987, he served as the Assistant Chief of Voluntary Service at the Brockton, Massachusetts VA Medical Center. For the past 23 years, Steve has served as the Chief of Voluntary Service at the Togus, Maine VA Medical Center.

Under his leadership, a number of new programs have been established at Togus, including the 'Caught Ya' program to recognize staff members that go above and beyond their duties in caring for veterans, the Service Recovery Program, and new volunteer assignments to provide mealtime companions and other quality of care initiatives for hospitalized veterans, These programs have greatly enhanced and expanded the use of volunteers and staff in improving veterans' healthcare experiences at Togus.

Steve is also an active leader in other sectors of Veterans Affairs. He serves as the VISN 1 Voluntary Service Liaison Chief, is an active member and past president of the Maine Society of Directors of Healthcare Volunteer Services and is current president of the New England Association of Directors of Healthcare Volunteer Services. In his capacity as VISN Liaison Chief, Steve has also mentored incoming Voluntary Service Chiefs in other Medical Centers in VISN 1. In 2008, Steve served as the president of the Association of Healthcare Volunteer Resource Professionals, becoming the first VA Voluntary Service staff member to be elected to this position.

Through his dedication and valued work, Steve has garnered well-deserved appreciation and numerous accolades including the Voluntary Service Award for Excellence, the Governors' Volunteer Service Award for Excellence in Volunteer Administration and most recently, the Award for Excellence from the Association of Volunteer Resource Professionals.

Madam Speaker, please join me in recognizing Steven Hurd for his compassion and tireless efforts on behalf of the veterans in Maine.

A TRIBUTE TO ANN-MARIE K. FOSTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ann-Marie K. Foster.

Ann-Marie Karlene Goddard Foster was born to serve and help others. Born in Brooklyn, New York on June 22, 1969, she is the eldest of three children born to the late Marva Williams. After losing her mother to gun violence at the tender age of eight years old, Ann-Marie's desire to help others in her community began to take root. Ms. Foster was raised by her loving grandmother, Josephine Ellis, and her late grandfather, Clayton Ellis; her grandparents instilled in her that a solid education was the key to endless opportunities, and a mantra such as "what is in your head can't nobody take it away from you." She graduated at the age of 16 with a Regents diploma from Brooklyn Technical High School in 1986. She went on to earn a Bachelor of Science degree in Biology from Utica College of Syracuse University in 1990 with intentions of serving in the health care community.

Upon her return to Brooklyn, her first employment opportunity was for the Health Insurance Plan (HIP) of New York working as a Medical Assistant. During her time at HIP serving in the Women's Health Division, she learned early the power of engaging women in caring for their health which ultimately could shape the health outcomes of the entire family. It was also during this time that she saw the necessity to have health care providers who could relate to a vulnerable population—those who often put other priorities ahead of their own health—women. As the HIV epidemic and the spread of STDs began to take its toll on the African American community, being able to communicate without judgment was the key to the center's success.

In 1991, she joined the New York City Health and Hospitals Corporation at Metropolitan Hospital Center in New York and began a journey that would span 19 years in increasing administrative capacities. One of her most rewarding times was spent at Woodhull Medical Center in Brooklyn where she met her mentor who would guide her career and allow her to spread her administrative wings. The seasoning of her experience at Woodhull prepared her for her most challenging opportunity to date. In June 2009, she was recruited to lead the oldest public hospital psychiatric program at Bellevue Hospital Center. Currently, Ms. Foster is the Senior Associate Executive Director of the Psychiatry and Child/Adolescent Psychiatry departments, which includes a 339 bed inpatient unit and multiple mental health ambulatory care services. She is a member of the American College of Health Care Executives and the National Alliance on Mental Illness.

Ms. Foster is most proud of being the mother of two beautiful children, Maya, 13 and Myles, 9; both of whom attend independent schools in NYC. Ms. Foster finds time to be a class representative at her daughters' school, serve in the Parents' Association, mentor young women at the Lenox Road Baptist Church, where she is a member, and participate in community service projects. She continues to live in Brooklyn with her husband of fifteen years, Ray Foster, and her children.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Ann-Marie K. Foster.

PROVIDING FOR APPROVAL OF U.S.-AUSTRALIA NUCLEAR ENERGY AGREEMENT

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 6411, which would approve the cooperation agreement between the government of the United States and the government of Australia concerning the peaceful use of nuclear energy. This important legislation will renew a long-standing agreement between one of our strongest allies and promote the safe trade of nuclear energy products.

I thank Chairman BERMAN for his leadership in bringing this bill to the floor. I also thank the sponsor of this legislation, ILENA ROS-LEHTINEN, for her commitment to the safe, secure trade and peaceful use of nuclear energy products.

Mr. Speaker, the United States has had an ongoing civilian nuclear cooperation agreement with Australia since 1957. Australia sells around 36 percent of its $1 billion in uranium exports to the United States. This accounts for 13 percent of our uranium supplies. This cooperation agreement also facilitates Australia's sale of uranium to other countries that will use it with technology made in the United States.

The civilian nuclear cooperation agreement with Australia is set to renew automatically upon the 90th day of continuous session since the President's May 5 transmittal of the renewal agreement. However, it is nonetheless appropriate for us to come together to affirm this agreement with Australia, one of our closest and most strategically important allies.

The United States and Australia have a strong relationship rooted in our shared values, historical ties, and strategic outlook. Our militaries conduct joint military exercises and Australian troops are currently in Afghanistan

fighting alongside U.S. service men and women. In addition, Australia has an excellent record on nuclear safety and has worked with the United States to fight nuclear proliferation. Australia's efforts to reduce proliferation have made them one of the world's leaders on global nuclear security and arms reduction.

Mr. Speaker, for these reasons I urge my colleagues to join me in showing their support for this important agreement with Australia. This cooperation agreement is good for our relationship with an old ally, good for our energy sector, and good for international nuclear security.

TRIBUTE TO FERNANDO A. GUERRA, MD, MPH, FAAP

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. GONZALEZ. Madam Speaker, I rise today to honor a man who has spent his whole life pursuing the well-being of others, especially that of children, through his medical practice, education, and leadership. After many years of service to his community, Dr. Fernando A. Guerra, a long time practicing pediatrician and a dear friend of mine, is now retiring from his post as Director of Health at the San Antonio Metro Health District.

Having received his bachelor of arts degree from the University of Texas in Austin, his medical degree from the University of Texas Medical Branch in Galveston, and a master's of public health degree from the Harvard School of Public Health where he was a Kellogg Fellow, it comes as no surprise that Dr. Guerra has been recognized as a leading contributor to medical research and literature. We are forever grateful for Dr. Guerra's work in numerous areas, including immunizations, community health, and health disparities, as his work and leadership have made a difference for the people of our Nation's seventh largest city and its surrounding areas.

Over the years, Dr. Guerra has offered his expertise to many boards and committees, and he will continue to serve in this capacity in retirement. One of Dr. Guerra's greatest passions is educating and mentoring the next generation of public and private health professionals. As the Director of Health at the San Antonio Metropolitan Health District, he has mentored physicians in training from both the public and private sectors, including the Residents in Aerospace Medicine, RAMS, program. Through the RAMS, he has been able to give back to the military he served in as a member of the U.S. Army Medical Corps during the Vietnam War, for which he received both the Bronze Star and the U.S. Army Commendation Medal with "V" distinction.

In light of all that Dr. Guerra has accomplished in his long and prosperous career, I would like to ask my colleagues to join me in recognizing this extraordinary man of scholarship and public service for all that he has done for the people of Bexar County and our Nation.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. NEUGEBAUER. Madam Speaker, on rollcall No. 584, I was unavoidably detained. Had I been present, I would have voted "no."

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,834,918,581,977.03.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $3,196,492,835,638.20 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

A TRIBUTE TO JOYCE MARIE CANNADY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Joyce Marie Cannady.

Joyce Marie Cannady was born in Franklin, Virginia, to Sallie Irene and Jasper Williams. She has lived a life of service to others and continues to do so even as a retiree today.

Ms. Cannady began her work career as a Secretary for the Department of Social Services as a member of the executive staff team. During her tenure there, she excelled at meeting the day-to-day operation needs of the department. Always a good listener, she was tasked with the assignment of addressing complaints of the office.

In 1971, a co-worker informed her about a Medgar Evers College opening in Brooklyn. She accepted a position as the first Secretary in the Nursing Program, which began with sixteen students. Joyce helped set the tone and pace for the Nursing Program. She excelled in her position and received increasing levels of responsibilities over the years. In her role as Administrative Assistant to the Nursing Program Director, she was responsible for hiring and supervising support staff, scheduling student consultations and managing the on-going administrative operations.

Ms. Cannady retired after dedicating 30 years of service to an institution that continues to educate students by supporting its motto: "Creating success one student at a time." She has also worked with the AmeriCorps program, serving as a reading and writing tutor for first and second grade students at P.S. 57 in Queens.

In her spare time, she dedicates her experience and talent to others. Her community activism began in the early 1980s, when she created the United Neighborhood Block Association in Queens and became its first President. The association was designed to increase the sense of community within the neighborhood. She also became a member of the Queens Village Civic Association, Queens Democratic Club, Eleanor Roosevelt Democratic Club, Women's Caucus for Congressman Towns and AmeriCorps Alumni. She has served as a leader for other service committees. She was the Executive Secretary, District Council 37 Women's Committee and President of the Youth Department of Black Trade Unionists. As a member of the Retirees Committee, she continues to live a life of service and currently serves as the Executive Secretary for the Church of God In Christ Jesus, N.D. Inc. She is also proud to have been ordained as a Minister by her Bishop, W.H. Amos in 2008.

Ms. Cannady's contributions to others have not gone unnoticed. Over the years she has been awarded the Medgar Evers College Secretary of the Year Award, U.S. Air Force Special Presidential Citation, Administrative Assistant of the Year Award, DC 37 People Merit Award and the Coalition of Black Trade Unionists Youth Department Award.

She has been married for fifty years to Ivory; they are the proud parents of three adult daughters, Vernay, Valerie, and Aesha. She also has two sons-in-law, Eugene Simmons and Scott Lynch, and a granddaughter, Ashley Simmons.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Joyce Marie Cannady.

STATEMENT TO COMMEMORATE THE 40TH ANNIVERSARY OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. BACA. Madam Speaker, I rise today to commemorate four decades of the creation of a federal agency with the noble mission to protect human health and the environment. The founding of the U.S. Environmental Protection Agency (EPA) on December 2, 1970, represented the start of remarkable environmental achievements for our nation. Their mission and valuable accomplishments have been well captured in EPA's 40th anniversary theme: "Healthier Families, Cleaner Communities, A Stronger America."

In this anniversary celebration, we should honor EPA's dedicated employees who during 40 years have worked hard to keep our land, air, and water clean and protected. Thanks to their efforts, expertise, and enthusiasm, this and future generations will be able to enjoy better environmental conditions in the places they work, live, and pray.

I take pride in representing a unique and diverse ecosystem in California's 43rd District. I particularly thank EPA for developing regulations that will assist the studies of water resources and groundwater conditions needed in potentially contaminated sites in my District. Sound environmental protection policies not only promote American security through better

use of our natural resources, but they also ensure the vast beauty of our nation is safeguarded for future generations to enjoy.

Throughout its existence, EPA has developed different programs that effectively respond to public concerns about their water, air, and land. These programs ensure public safety and support to local communities struggling in a difficult economic environment. Efforts that ensure that polluters pay, such as the Superfund Program—that addresses the cleanup of toxic waste sites—provide important tools that help identify the parties responsible for contamination. The Superfund Program has successfully required identified responsible parties to pay for the cleanup of their contaminated sites which has saved taxpayers billions of dollars.

As a Member of Congress, I am committed to continue fighting for legislation that allows EPA to protect our treasured resources—including ensuring clean air, safe drinking water for everyone and promoting cleaner, more efficient uses of America's natural resources.

Let us commemorate this milestone anniversary of the EPA by recognizing its people, its programs, and the progress they have made since the day the agency was founded 40 years ago. This celebration of EPA's legacy and accomplishments should also serve as a reminder of the work we still have ahead of us to protect the health and the environment of everyone in our communities and our nation.

RECOGNIZING THE NATIONAL CENTER FOR CREDIBILITY ASSESSMENT (NCCA)

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. WILSON of South Carolina. Madam Speaker, I rise today to recognize the re-designation of the Defense Academy of Credibility Assessment, DACA, as the National Center for Credibility Assessment, NCCA.

Part of the Defense Intelligence Agency, DIA, and located at Fort Jackson in the Second Congressional District of South Carolina, NCCA serves as the government's premier educational center for polygraph and other credibility assessment technologies and techniques. Its central mission is to assist federal agencies in the protection of U.S. citizens, interests, infrastructure, and security by providing the best education and tools for credibility assessment.

For more than 50 years NCCA and its predecessor organizations have served as a core agency for the discipline of credibility assessment within the federal government, promoting standardization of credibility procedures, techniques, and applications across the federal government.

By designating NCCA as a national center, the Department of Defense and Defense Intelligence Agency are taking an important step in helping to harness the rapid technological advances in the field of credibility assessment. As a national center, NCCA will be able to better focus efforts addressing the urgent needs of national and international partners combating terrorism, narcotics trafficking, and other criminal activity.

As the national focal point for credibility assessment, NCCA will coordinate the development and fielding of new credibility technologies to address a broad range of defense, homeland security, intelligence, and law enforcement requirements, ensuring that the federal government's technologies, techniques and procedures are reliable and scientifically supportable.

Madam Speaker, I am honored to have this important national asset in my district and I congratulate the leadership of DIA and the military and civilian employees at NCCA on this important recognition.

IN HONOR OF THE 125TH ANNIVERSARY OF THE CONNECTICUT STATE GRANGE

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COURTNEY. Madam Speaker, I rise today to honor the Connecticut State Grange on their 125th anniversary.

The National Grange, also known as the Order of Patrons of Husbandry, is the nation's oldest national agricultural organization, with local chapter established in 2,700 local communities in 40 states. The Connecticut Grange has been one of the most active, continuously operating since 1885. In Connecticut the Grange has been an integral part of our state's efforts to preserve farmland, support rural communities and maintain the idyllic charm that is such an important part of New England's past.

The Grange has always welcomed farming families to involve themselves in the betterment of rural life and to contribute to its welfare by talent, thought, strength and willingness to labor heartily with fellow Patrons for the general good of the order and of mankind. The Grange's focus on community service, family activities and agricultural causes reflects well on the countless farmers who strive to preserve America's pastoral traditions. In eastern Connecticut, the Grange has a long and storied past supporting communities, maintaining our rural heritage and promoting the agricultural ideals that serve as the backbone of our country.

Not only is the Grange the oldest and one of the strongest farm organizations in America, it is the only farmers' fraternity in the world. The precepts of this farm-family fraternity are fourfold: (1) We should work toward a more prosperous agriculture; (2) Improve practical education; (3) Super-size community life and citizenship; and (4) Build higher ideals of manhood and womanhood among ourselves. With a strong faith in God, a nurturing hope, a focus on charity, and faithfulness to duty, the Granger continues to make rural life more desirable.

Members of the Grange have adopted the following creed; "United by the strong and faithful tie of agriculture, we mutually resolve to labor for the good of our order, our country and mankind." Madam Speaker, I believe those are words we can all live by, and so I ask my colleagues to join with me, and the people of Connecticut, in recognizing the Connecticut State Grange on their 125th anniversary.

HONORING ROBERT F. KENNEDY, JR.

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Robert F. Kennedy, Jr. for his remarkable work on environmental issues.

Cousin Bobby serves as Senior Attorney for the Natural Resources Defense Council, Chief Prosecuting Attorney for the Hudson Riverkeeper organization, and President of Waterkeeper Alliance which he founded in 1999. He is also a Clinical Professor and Supervising Attorney at Pace University School of Law's Environmental Litigation Clinic, and is co-host of the Ring of Fire radio program. Earlier in his career he served as Assistant District Attorney in New York City.

Bobby is credited with leading the fight to protect New York City's water supply. The New York City watershed agreement, which he negotiated on behalf of environmentalists and New York City watershed consumers, is regarded as an international model in stakeholder consensus negotiations and sustainable development. He has also worked on environmental issues across the Americas and has assisted several indigenous tribes in Latin America and Canada in successfully negotiating treaties protecting traditional homelands.

Bobby is a noted author and was named one of Time magazine's "Heroes for the Planet" for his success in helping Riverkeeper lead the fight to restore the Hudson River. The group's achievement helped spawn over 190 Waterkeeper organizations across the globe. He is a graduate of Harvard University, studied at the London School of Economics, and received his law degree from the University of Virginia Law School. Following graduation he attended Pace University School of Law, where he was awarded a Master's Degree in Environmental Law.

Bobby has been instrumental in advancing numerous environmental causes. I wish him all the best as he continues his important work on behalf of our natural resources. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

HONORING REVEREND GERALD KISNER ON HIS 15TH ANNIVERSARY AS PASTOR OF THE TABERNACLE MISSIONARY BAPTIST CHURCH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor Rev. Gerald Kisner on his 15th anniversary as pastor of the Tabernacle Missionary Baptist Church in West Palm Beach, Florida. He has had a very long and honored career. After receiving his Master's degree from Case Western Reserve University, he graduated from Harvard University School of Law, where he was awarded a Dwight D. Eisenhower Scholarship, and received his Master of Divinity degree from Howard University.

Before being called to the ministry, Rev. Kisner educated young people as a professor at Boston State College, Boston University and Palm Beach Atlantic College. He is currently an Adjunct Professor at Palm Beach Atlantic University's School of Ministry. He has demonstrated his love for his fellow man by serving as Assistant Director of Social Services in the Boston, Massachusetts Department of Public Welfare and, later, as the Assistant Director of Medical Care for that agency.

Rev. Kisner's love for the law led him to become a Prosecutor and Law Director for the city of East Cleveland, Ohio and an Associate and Partner in two Cleveland area law firms. In Washington, DC, he joined one of that city's prominent firms and eventually opened his own practice. While in Washington, Gerald Kisner served as Director of the Office of Private Sector Development, again demonstrating his love for humanity. Still in Washington, his legal experience served him well as Deputy General Counsel for the U.S. Department of Housing and Urban Development.

Moving to Atlanta, Georgia, Rev. Kisner became Executive Director of the English Avenue Community Development Corporation, continuing his service to government and people in need. Since November 1995, he has been pastor of the Tabernacle Missionary Baptist Church in West Palm Beach. Over the course of his career, he has received many prestigious awards, including the Bishop Wilfred Wood Award from Howard University, the Dr. Martin Luther King Service Award from the Urban League of Palm Beach County and a Spiritual Enlightenment Award. In 1999, he was inducted into the Board of Preachers of Martin Luther King International Chapel at Morehouse College.

Madam Speaker, Gerald Kisner is a remarkable human being and a person who sets a fine example for us all to follow. I am fortunate to count him as a friend and I am pleased to join his family, many friends and colleagues and all who love and respect him in honoring him today.

IN HONOR OF THE WAIT NO MORE ADOPTION AND FOSTER CARE PROGRAM

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. LAMBORN. Madam Speaker, I rise today to honor "Wait No More", an adoption and foster care awareness program that is a part of Focus on the Family and displays exceptional service to our nation's children.

Focus on the Family has long believed that all children deserve to know the joys of a permanent, loving family. At its very core, Wait No More believes in the value of all human life, and this guiding principle led to the creation of the Wait No More program.

The goal of Wait No More is to raise awareness of, and recruit families for, waiting children in foster care. Its mission is straight forward—"Finding Families for Waiting Kids". While the need for orphan care and adoption exists all around the world, Wait No More focuses on the needs right here in our own communities.

Wait No More held its first recruitment event in November of 2008 in Colorado Springs, a community within my district in Colorado. That one event has since blossomed into numerous other recruiting events around the country, drawing over 4,300 people from Los Angeles, California to Cincinnati, Ohio, to Fort Lauderdale, Florida.

To date, over 2,400 families have benefited from Wait No More through its services of adoptive and foster family recruitment, post-placement support, and local foster care agency engagement. Of those, more than 1,100 families have initiated the process of adoption from foster care.

Furthermore, based in no small part to the efforts of Wait No More, the number of children who are waiting for placement in Colorado has dropped from over 800 to less than 400.

By the end of today, 850 children will have entered the foster care system, many of whom have suffered from abuse or neglect. By week's end, 4,250 children will find themselves on the beginning of their journey through the foster care system. However, due to the extraordinary efforts of the dedicated individuals at Wait No More and Focus on the Family, new families across the country are now waiting with open arms to welcome these children home.

I consider it a great privilege to represent the district that is home to Wait No More. I rise today to show my gratitude to Wait No More for its efforts in bringing hope to children and families both in Colorado and across the nation.

IN RECOGNITION OF DOROTHY ANITA NEWHOUSE SMITH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to Dorothy Anita Newhouse Smith who will celebrate her 100th birthday on December 27th.

Ms. Smith was born in Cleveland, Ohio, to the late Grace and Boudin Newhouse, immigrants from Holland. In 1917, before World War I, her family bought a farm in Brecksville, Ohio and she spent her childhood raising vegetables for their truck farming operation and graduating as Salutatorian of her high school class. She began working at Union Carbide where she met her husband Charles Smith of Alabama.

Dot and Charles eloped on May 27, 1939. In 1942, they had their first child, Charlie, and in 1945, Cheryl. In 1946, they moved to Union Springs, Alabama. Dot devoted her life to her husband and children and served as a volunteer for PTA, Union Spring Elementary School room mother, Boy and Girl Scout leader, Sunday School teacher and Civil Air Patrol leader after the war ended.

Her husband died at the age of 74, and Ms. Smith eventually moved in with her daughter and son-in-law, Cheryl and Jim Cunningham, in Franklin, Alabama. She lived there until 2001 when she moved to Monarch Estates in Auburn.

Ms. Smith has lived through wars, the Great Depression and seen so many historic events as they have taken place. Her son, Charlie, and grandson, Todd, passed away years ago. Her daughter Cheryl, her granddaughters, Leigh Reed and Heather Hodges and her six great-grandchildren, Casey and Tyler Ellison, Trey and Anne Carter Reed and Michael and Hunter Hodges, visit regularly and still enjoy her stories of growing up in Ohio and the family stories of relatives in Holland.

I wish Ms. Smith a very happy birthday and many more.

HONORING ASHBEL T. ("A.T.") WALL, II

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Ashbel T. "A.T." Wall, II for his stewardship in Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans. His contributions have been vital to the success of this program. His work with this important issue is simply unmatched.

Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans addresses the needs of individuals with mental illness such as post traumatic stress disorder and trauma related disorders involved in the justice system. In recognition of the dramatically higher prevalence of trauma related disorders among veterans, this program prioritizes eligibility for veterans.

Director Wall was appointed director of the Rhode Island Department of Corrections in March 2000. Prior to his appointment he served in the capacity of Assistant Director of Administration since 1987. He was Interim Director from October 1999—February 2000. Director Wall is the first native Rhode Islander and first employee from within departmental ranks to lead the agency in 22 years.

As director, Wall oversees a comprehensive correctional agency encompassing every aspect of Rhode Island's adult correctional system: jails, prisons, probation, parole, transitional housing and home confinement. He is responsible for setting policy direction and supervising all operations for a department that manages about 3500 pretrial and sentenced inmates in eight institutions and 27,000 offenders on probation, parole and community confinement. The budget totals approximately $160 million and its staff complement is 1,600.

In addition to his departmental duties, Director Wall serves on numerous state and national commissions on a wide range of topics including institutional security, prison overcrowding, racial disparity and probation and parole. He is a member of state's Information Resources Management Board, which sets policy for the state's management information systems development.

He has also served as an expert witness for the Federal District Court in the areas of correctional administration and inmate management (security issues, classification and gangs) for major litigation on conditions of confinement in Commonwealth of Puerto Rico's correctional institutions (1994–1999).

Director Wall has been instrumental in advancing Rhode Island's correctional institutions. I wish him all the best as he continues his important work on behalf our nation's heroes, our veterans. He will continue to carry

my own admiration, and that of all who have had the privilege to work with him.

RECOGNIZING THE CENTENNIAL OF THE GENERAL VON STEUBEN MONUMENT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. BISHOP of New York. Madam Speaker, I rise to ffor th one hundredth anniversary of the dedication of the monument to General von Steuben across the street from the White House—in Lafayette Park, Washington, DC.

The monument to General Frederich Wilhelm von Steuben was dedicated in a ceremony presided over by President William H. Taft on December 7, 1910. Taking its place among the statues of three other European-born Revolutionary War heroes, the Steuben monument serves as a reminder of the tactical foresight and invaluable contributions of General von Steuben to the United States military during the American Revolution.

General von Steuben arrived in the United States from Prussia during a period of great turmoil for our young country. Facing the superior forces of Great Britain, the American military lacked experience, tradition, and proper training. It was under these circumstances that General von Steuben wrote to General George Washington prior to his arrival in 1778, stating ''The object of my greatest ambition is to render your country all the service in my power, and to deserve the title of a citizen of America by fighting for the cause of liberty.'' General von Steuben is credited with almost singlehandedly transforming the Continental Army from a group of untrained militias into a professional army capable of defeating the strongest military in the world.

In addition to his battlefield heroics, General von Steuben's enduring impact lives on through the U.S. Armed Forces' continuing reference to his ''Blue Book,'' which outlines a training plan that has served as the standard bearer for strategic military preparation. General von Steuben's contributions and accomplishments continue to serve as a source of great pride and inspiration for the millions of German-Americans living in the United States today.

The Steuben Society, founded in 1919 and named in honor of General von Steuben, serves to educate the public about matters of interest to American citizens of German heritage and their families, to encourage participation in civic affairs, and to perpetuate and enhance the understanding of contributions made by German Americans to our nation. I am proud that the national headquarters of the Steuben Society is located in Patchogue, New York, which is my district and home to 130,000 German-American constituents.

Madam Speaker, I am honored to recognize the centennial anniversary of the dedication of the General von Steuben monument in Lafayette Park, and I commend the Steuben Society for its active role in promoting the culture and contributions of German-American citizens across the United States.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. CUMMINGS. Madam Speaker, I rise today in support of S. 3307, the Healthy, Hunger-Free Kids Act of 2010. I applaud Chairman MILLER for his efforts on this legislation, and commend Speaker PELOSI and Leader HOYER for bringing this legislation to the floor. I also commend First Lady Michelle Obama for her leadership on this initiative.

The Healthy, Hunger-Free Kids Act of 2010 expands access to school meal programs to thousands of children across the country. In addition to reauthorizing all expiring authorities and programs in the Richard B. Russell National School Lunch Act and the Child Nutrition Act, it will also assist all 50 states in providing meals for at-risk youth after school.

This bill contains several innovations in food delivery and safety for young people at school. Importantly, S. 3307 will increase funding for school lunches, increase access to free school meals, improve school meal nutrition standards, expand food service for summer and outside-of-school programs, implement food safety requirements for food served on school campuses, help innovate the WIC program, introduce new nutrition and healthy living standards, and fund state and local initiatives to eliminate childhood hunger.

Each day, millions of our young people go hungry, or consume food that is detrimental to their bodies and their minds. For many children, the meals they receive at school may be the only balanced, nutritious meal they have all day. A healthy diet is absolutely essential to a healthy life. Through health care reform, we have already taken steps to cultivate a culture of preventive care; this is another part of our effort to ensure that our children can realize their full potential.

The First Lady's Let's Move initiative has also played an important role in spotlighting the steps that can improve our children's health, including the vital role that exercise plays in a healthful lifestyle. It is now our job in Congress to continue to support the important work done through this campaign by supporting this legislation.

I am proud to support this legislation, because I know what a profound effect this will have on many children's lives.

However, while I do strongly support the legislation that is in front of us today, I am concerned with cuts to the Supplemental Nutrition Assistance Program that are on the horizon. We are taking steps now that will make our young people happier, healthier, and more productive individuals, but we must not forget that the SNAP program benefits many of the same children—and their families—that we are trying to help today. For that reason, it must be our priority to fully fund the SNAP program in the coming years.

That said, I am eager to see S. 3307 passed, and I am confident that this is indeed landmark legislation that will ensure our children can be all that God meant them to be—and I urge its adoption.

HONORING THE NEW HOPE EAGLE FIRE COMPANY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor members of the New Hope Eagle Volunteer Fire Company: President/Fire Fighter Jim Finn; Chief Craig Forbes; Deputy Chief Frank Cosner, Jr.; Fire Fighter Keith McMullen; Fire Marshal Daryl Jurbala; Company Secretary Linda Rowe, and Fire Fighter/Safety Officer Frank Cosner, Sr.

On September 31, 2010, a giant construction barge broke free of its anchoring mechanisms and began drifting down the Delaware River toward the New Hope-Lambertville Bridge. This barge was meant to be a work platform and was equipped with a lifter and small crane, which could have caused major damage to the New Hope-Lambertville Bridge. Without the crucial decisionmaking and help of the New Hope Fire Company and its volunteers, this could have ended in disaster. They displayed incredible skill and bravery in their actions and for that they are honored.

Madam Speaker, I am proud to recognize and honor the individuals for their bravery and quick thinking in a time of great distress. I am honored to serve as their Congressman.

CONGRATULATING RAYMOND T. AND ROBERTA ''BOBBY'' WHITE

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DEUTCH. Madam Speaker, I rise today to congratulate Raymond T. and Roberta ''Bobby'' White. Members of the Jewish War Veterans Post 266 since November 1997, Ray and Bobby's activism and efforts on behalf of south Florida's Jewish War Veterans are unmatched. Drawing on their prior experiences with veterans organizations, they have proved to be great assets within Florida Post 266.

Ray and Bobby's hard work on behalf of Post 266 was quickly noticed. Shortly after their arrival, Bobby was elevated to be commander of the Women's Auxiliary for Post 266, as Ray was named Post commander. It was not long before Ray rose to be the commander of the Department in 2003, and he did not stop there.

While serving as the Department Commander of Florida, Ray was appointed by the National Commander to the position of chairman for the first Committee for Soviet Jewry. In this capacity, Ray organized a program of installing flag poles and flags from condo organizations, the first of which was installed for Temple Emeth on Atlantic Avenue, where services are conducted annually on Memorial Day for fallen comrades.

Together, Ray and Bobby spearheaded numerous other community projects. Not only did Ray champion continued funding for hospitals and veterans' benefits, but Bobby instituted a program for hospitalized veterans of the West Palm Beach facility with monthly Bingo games. The vision and followthrough of Ray and

Bobby were also instrumental in the planning and constructing of the Governor Lawton Childs Veterans Memorial Park right in Delray Beach.

Under the leadership of this outstanding couple, their community flourished and the membership of Post 266 grew to be the largest post in the country. Undoubtedly, these two have worked immensely to further the program of the Jewish War Veterans both locally and nationally. Today, Ray and Bobby are still involved in the Post; after turning over the commander's role in January 2010, Ray now holds the position of quartermaster, and Bobby continues to assist the current commander of the Women's Auxiliary. Raymond and Roberta White deserve special plaudits for their commitment and dedication to their work, and our very best wishes for their continued service and happiness in good health together.

HONORING ETHEL KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Ethel Kennedy, my aunt, upon the occasion of the 2010 Robert F. Kennedy Human Rights Award ceremony. This ceremony highlighted the abuses in Mexico and honored local hero Abel Barrera Hernandez, founder and director of the Tlachinollan Center, for his courageous defense of the rights of rural and indigenous people living in Guerrero State in southern Mexico. Aunt Ethel's work with the Human Rights Award is truly remarkable.

Aunt Ethel has been instrumental in advancing human rights. I wish her all the best as she continues this important work. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

INTRODUCTION OF RESOLUTION HONORING THE OFFICE OF RESEARCH ON WOMEN'S HEALTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. SLAUGHTER. Madam Speaker, I rise today to honor the 20th anniversary of the Office of Research on Women's Health. As the leading agency for women's health research in the United States, the Office has transformed biomedical research and improved the lives of women nationally and internationally.

The Office of Research on Women's Health was founded in response to congressional and scientific concerns over the systematic exclusion of women from clinical research trials funded by the National Institutes of Health (NIH). One clinical trial, the Physicians' Health Study, included 22,071 men—and no women. This clinical trial generated over 300 basic findings that are used today to guide all facets of medicine. Indeed, the common advice to take aspirin to prevent heart attacks is based largely on this clinical trial with no female participants. By excluding women from clinical trials, biomedical research failed women.

Scientists and government officials alike recognized the troubling implications of providing medical care based on research that excluded more than half of the world's population. The Society for Women's Health Research was founded to galvanize support and improve scientific research.

My colleagues and I in the Congressional Caucus for Women's Issues challenged the exclusion of women from federally funded research.

In 1990 we introduced H.R. 5397, an omnibus Women's Health Equity Act, an unprecedented package of 22 separate bills designed to improve the status of women's health in the areas of research, services, and prevention. Among the provisions of this mammoth legislation were: the establishment and permanent authorization of the Office of Research on Women's Health; the statutory requirement that women and minorities must be included in NIH clinical studies, where appropriate; the establishment of research centers on osteoporosis, contraception, and infertility; and necessary funding increases for research into the diseases that claim unacceptable numbers of female lives, like breast, ovarian, and cervical cancers.

Our interest prompted federal action. The National Institutes of Health announced the creation of the Office of Research on Women's Health in 1990.

Many of the provisions of the Women's Health Equity Act were included in the National Institutes of Health Revitalization Act of 1993. Thankfully, President Clinton made the NIH bill, and especially its critical improvements of women's health research, one of his first legislative priorities. It was signed into law on June 10, 1993, in a White House ceremony befitting such historic legislation—establishing the Office of Research on Women's Health in statute.

Since its creation 20 years ago, the Office of Research on Women's Health has increased our understanding of sex differences, from single cells to biological systems. This new focus on sex differences has transformed epigenetics, endocrinology, immunology, and many other fields.

In 1999, the Office initiated the "Building Interdisciplinary Research Careers in Women's Health initiative" which supported the career development of approximately 400 early-stage research scientists. By helping these scientists to become independent researchers and obtain academic positions, the Office of Research on Women's Health built a sophisticated, active field of women's health research.

In 2002, the Office established the "Specialized Centers of Research on Sex and Gender Factors Affecting Women's Health" program to support interdisciplinary research in basic and clinical research. In 2009 alone, this program helped scientists to publish 116 journal articles, 176 abstracts, and 63 other publications.

Alongside of the ambitious research agenda of the Office of Research on Women's Health, the Office also educates physicians, providers, and patients about gender-based differences in health care. This education program helps to translate the research accomplishments into tangible improvements in care for women and girls nationwide.

The Office of Research on Women's Health continues to press for improvements for women's health care.

This fall, the Office launched its "Vision for 2020 in Women's Health Research", a far-sighted research strategy for the next 10 years. Their vision—which I share—calls upon our Nation to increase its commitment to evaluate sex differences in both basic science and clinical research.

We also must ensure that sex differences are acknowledged in the design and application of new technologies and medications. Furthermore, we need to build a talented, diverse, and active women's health research workforce.

We cannot abandon our commitment to women's health research.

Indeed, recent withdrawals of medications by the Food and Drug Administration remind us of the importance of evaluating medicines by sex. In 2001, the then U.S. General Accounting Office published an evaluation showing that eight of the ten medications recently withdrawn "posed greater health risks for women than for men".

The importance of the mission and accomplishments of the Office of Research on Women's Health cannot be overstated. Women and girls deserve health care that has been tailored to their needs, and that requires high-quality research sensitive to gender-based differences.

I thank the Office of Research on Women's Health for their achievements over the past 20 years. I know that the Office will use the next 20 years to support excellent science that will benefit women and men alike.

REMARKS ON ALAN GROSS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. ENGEL. Madam Speaker, tomorrow marks the one-year anniversary of the imprisonment of Alan Gross in Cuba. Today, I come to the House floor not in my role as Chairman of the Western Hemisphere Subcommittee nor as a Congressman interested in U.S. policy toward Cuba.

Instead, I come here as a father and a husband to urge the Cuban government to release Alan Gross on humanitarian grounds.

Alan's health continues to deteriorate. He has lost 90 pounds and has developed disc problems that have caused partial paralysis in his leg. This could become permanent if he does not have surgery. He also has developed severe pain in his hips.

Perhaps even more devastating than his own health is Alan's not being able to be with his daughter who was recently diagnosed with breast cancer. His daughter has had several surgeries and is now undergoing chemotherapy. As a father to a daughter around the same age, it absolutely breaks my heart that Alan cannot be by his daughter's side to give her the emotional support that she needs.

The United States and Cuba have had a difficult relationship for a long time. But, Alan Gross is not a politician. His work brought him to Cuba because of his passion for the country's Jewish community.

Earlier this year, I met with Judy Gross in the Capitol. She told me that Alan jumped at the chance to work in Cuba, because he loves the Cuban people and wanted them to be able

to communicate better with the rest of the world. She explained that he never would do anything to harm them.

Judy Gross tells me that Alan is a family man. He is a very devoted son who called his mother every morning. She is 88 years old and fears she may never see him again. She is emotionally distraught about Alan's situation, and this is translating into a decline in her physical health.

There are times that we come to the House floor to engage in impassioned policy debates. There are times when we argue amongst ourselves about the right direction for U.S.-Cuba relations. Now is not one of those times.

Madam Speaker, today, on the eve of the one-year anniversary of Alan Gross' imprisonment, I stand in this chamber to plea for Alan's release. Not just for Alan's sake, but for the sake of his wife, his mother and his two daughters, I urge the Cuban government to immediately release Alan Gross.

THE INTRODUCTION OF THE NATIVE HAWAIIAN MEDICAID COVERAGE ACT OF 2010

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. HIRONO. Madam Speaker, I rise today to introduce the Native Hawaiian Medicaid Coverage Act of 2010. This legislation is a companion to S. 52, which was introduced earlier this year by Senator DANIEL K. INOUYE.

This legislation would allow for 100 percent coverage under the Federal Medicaid Assistance Percent (FMAP) formula for Native Hawaiians who are Medicaid eligible and access care from Federally Qualified Health Centers or through the Native Hawaiian Health Care System.

Native Hawaiians, like American Indians and Alaska Natives, are an indigenous, native people. Currently, states receive a 100 percent FMAP reimbursement for health care services provided through Indian Health Services facilities. The bill I am introducing today would bring parity in the treatment of our country's Native peoples.

Congress has previously recognized the unique and historical relationship between the United States and the indigenous people of Hawaii. I ask for my colleagues' continued support for the health and wellbeing of Native Hawaiians.

HONORING RORY KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Rory Kennedy, my cousin, for delivering the keynote address at the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, Rory's father and my uncle, the schools are devoted to social justice. Rory's work on behalf of the young people of Los Angeles is simply remarkable.

On September 13, the six pilot schools that make up the Robert F. Kennedy Community Schools Complex began instructing students in grades kindergarten through 12 on its campus located in the Pico-Union/Korea Town neighborhood of Los Angeles. The schools are located on the site of the former Ambassador Hotel and because of the historic nature of the site, there were legal challenges to converting the site to a school. Community members and organizations, including RFK–12, came together to advocate for a local school. In 2005, the Los Angeles Unified School District School Board and Superintendent Roy Romer appointed the Robert F. Kennedy Commission to provide recommendations on how to memorialize Senator Kennedy's life. The commission was chaired by former California Supreme Court Justice Cruz Reynoso, and included a number of civic leaders.

The Commission's major recommendation called for a social justice theme to permeate the curriculum, extending from kindergarten through high school that would reflect Senator Kennedy's commitment throughout his public life.

The schools activities include: the creation of a foundation guided by an Advisory Committee that will help to fund social-justice related activities and act as a resource for the schools on establishing relationships with community service groups outside the school locally and in the larger world, a speakers program, a fellows program that will bring emerging and established leaders to the school, and the creation of a public park recalling the inspirational speeches by the Senator and others.

The pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Rory has been instrumental in the improvement of public education in Los Angeles. I wish her all the best as she continues her important work on behalf of young people. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

RECOGNIZING FOUNDCARE HEALTH CENTER AS THE FIRST FEDERALLY QUALIFIED HEALTH CENTER LOOK-ALIKE IN THE STATE OF FLORIDA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today to recognize FoundCare Health Center (FoundCare) in West Palm Beach, Florida, which recently received Federally Qualified Health Center (FQHC) Look-Alike status. As you know, the FQHC Program is administered by the Health Resources and Services Administration (HRSA) of the Department of Health and Human Services and designates health centers that provide essential primary and preventive health care services to low-income, medically underserved, and vulnerable populations that traditionally have limited access to affordable services and face the greatest barriers to care. FoundCare's mission to provide health care services to all people, regardless of their ability to pay, is to be lauded.

The designation of FoundCare Health Center as the first FQHC Look-Alike in the State of Florida is a true testament to health care reform and expanding access to affordable, quality health care for all. At a time when millions of Americans are unemployed and uninsured, FoundCare provides an invaluable service to the community and is a vital component in our nation's health care network. The sad reality is that more than a quarter million children and adults in Palm Beach County are uninsured. To make matters worse, 60 percent of the uninsured are eligible for some type of insurance program but are not enrolled. It is unconscionable that so many families and individuals continue to suffer when help is available to them.

FoundCare provides essential primary and preventive health care services to those who might otherwise forgo medical care for themselves and their children. To best meet the needs of its patients, it operates with expanded hours to accommodate families, provides multilingual services in English, Spanish, French and Creole, employs efficient electronic medical records systems of care, and will soon also provide dental and pharmacy services. Furthermore, FoundCare helps individuals navigate the application process for Medicare, Medicaid, Florida KidCare, and other programs, and, together with Project Access partners, makes sure that patients can also access the specialty care they need. When fully funded, FoundCare has the capacity for more than 10,000 unduplicated patients per year. This is truly remarkable.

I have had the privilege of being involved with this visionary project from the start and am continually amazed by the extraordinary dedication and compassion of the men and women who work at FoundCare. Since it opened its doors in January 2009, FoundCare has provided access to quality health care for over 2,400 new uninsured and underinsured Palm Beach County residents. Currently, 77 percent of FoundCare's patients, who range in age from infancy to 84 and are nearly two-thirds female, do not have health insurance. In addition, more than 70 percent of patients have incomes below the federal poverty level. They visited FoundCare an average of nearly three times per year for various health concerns, including hypertension, diabetes, infectious disease, asthma, obesity, and women's health.

Madam Speaker, FoundCare's commitment to improving community health is an inspiration to us all. There is no doubt in my mind that, at this rate, it will soon become a Federally Qualified Health Center. As we recognize FoundCare's tremendous success, I would like to take this opportunity to thank each and every member of the FoundCare team for all the hard work that they continue to do on behalf of their community and the health of our nation as a whole.

A TRIBUTE TO THE LIFE OF ALBERT ''AL'' POMBO

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COSTA. Madam Speaker, I rise today to pay tribute to Albert "Al" Pombo who passed away on November 19, 2010. Al Pombo was an extraordinary man and a favorite of racing fans throughout California, but also a personal hero of mine. I ask that portions of an article published by The Fresno Bee be entered into the RECORD.

Al kissed bumpers and babies in a hard-charging auto racing career in the Central Valley that often angered competitors while captivating fans, young and old, died Friday at Veterans Hospital in Fresno. He was 85.

''He was just talented, very good—he was the best,'' another former Valley racer, Dan Green, said Saturday of Mr. Pombo, who launched his career at Merced Speedway in the jalopy class in 1948, went on to compete in dirt cars, hardtops, sprint cars and super modifieds and won more than 500 main events, seven NASCAR supermodified titles and numerous championships at short tracks throughout California before he retired in 1971.

He actually came out of retirement for one final race, driving Al Brazil's circle No. 3 sprint car at Clovis Speedway in 1976. ''They broke the mold when they made him,'' Kings Speedway promoter Dave Swindell once said of Mr. Pombo, the state's top hardtop racer in the 1960s. Kenny Takeuchi, a former announcer at Kearney Bowl and other tracks across the state, once said: ''He was dedicated to the sport. Whether it's God-given or not, he had real driving talent and competition never fazed him. He was also good on dirt or pavement, and that's rare to find today.'' Mr. Pombo was particularly dedicated to the Valley. ''He had the ability to go back East,'' Green said, ''but he never did really care about going on to Indy and the big time. He was a local guy and very few people beat him.''

Mr. Pombo fancied the tight, quarter-mile oval at the old Kearney Bowl, where his duels with Marshall Sargent riveted the Valley racing audience in the 1950s and '60s and helped pump racing blood back into the hearts of those still mourning the 1955 Indianapolis 500 loss of Fresno icon Billy Vukovich Sr.

It was at Kearney Bowl—once Fresno Airport Speedway, and then Italian Park Speedway—where Vukovich forged his career from 1936–47 behind the wheel of the little red ''Old Ironsides'' before crowds approaching 20,000 that routinely arrived for Sunday night midgets. It was primarily there and at Clovis Speedway that Mr. Pombo developed a Valley fan following arguably only exceeded by Vukovich in the region's history of auto racing.

Mr. Pombo's popularity hardly faded deep into his retirement as it was common to see him in recent years smooching babies and being swarmed by kids and adults at autograph sessions at Valley tracks. He couldn't be torn away from his passion, even though he used a wheelchair in his final months. He made his last appearance, signing his hats, T-shirts and pictures per usual, Oct. 22–23 at the Trophy Cup at Tulare's Thunderbowl Raceway. Mr. Pombo was taken there by longtime friend Paul Reiter, his designated driver for years. And, to the end, Reiter witnessed many who bowed to the icon. ''People from way back would tell their kids to shake this man's hands, the legend of all time,'' said Reiter, a former soda vendor at Kearney Bowl. ''People would tell him, 'You're the greatest driver . . . you gave us so many nights of thrills . . . I met my wife at the track and watched your whole career.'

Most memorable were the duels with Sargent that found metal to metal and occasional fist to fist. So intense was their rivalry, bleacher brawling was common among fans fighting in defense of one or the other racers. And so prominent in Valley racing annals, a tribute is still paid in the form of the annual Pombo-Sargent Classic at Kings Speedway. ''We were always the best friends in the world,'' once said Pombo, also namesake of the Al Pombo Classic that continues at Madera Speedway. ''But when the green flag dropped, we'd come out fighting. Sometimes, we'd mix it up a bit, but we'd always end up in the bar partying.''

Daughter of Al Pombo's son, Tony, she said her grandfather hadn't walked since falling and breaking his hip in late June. Since, he had remained at Fresno's Veterans Hospital. And it was there that Reiter would pick him up, drive him to tracks in Tulare, Chowchilla, Madera and Hanford, and return him the same night, as late as 2 a.m. ''He loved kids, he loved people, he loved everybody,'' Reiter said. ''You couldn't ask for a better guy. He was my hero.''

Al was born in the Azores on June 3, 1925. He is preceded in death by his wife Pat, and children Diana, David, and Albert Jr. Al is survived by his children, Alisa and Larry McDonald, Patty Micheli, Debbie Pombo, Tony and Susan Pombo, Pat Ruch, and fifteen grandchildren and eleven great-grandchildren.

Madam Speaker, I ask my colleagues to join me in remembering the life of this remarkable man, and one of my personal heroes, as we offer our condolences to his family and celebrate his memory and service to our community and California.

HONORING DR. NORMAN WALL

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. GRAYSON. Madam Speaker, I rise today to offer my congratulations on Dr. Norman Wall being honored for his many contributions to the foundation of the Sheba Medical Center in Tel Hashomer, Israel and his continued involvement in medical advancements both in the United States and in Israel.

He used his role as a medical officer in the U.S. Army during World War II to help establish what is now Israel's largest hospital and research center. Dr. Wall has not stopped giving back to the community both here and abroad. Since his move to Orlando in 1995, he has made a great impact on the Florida Hospital community.

I greatly appreciate his service in the U.S. Army and his many contributions in the field of medicine. Dr. Wall has a true grasp of the concept of tikkun olam and I am inspired by his commitment to making the world a better place.

HONORING SUMMER KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Summer Kennedy, my cousin, for her stewardship in the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, Summer's father and my uncle, the schools are devoted to social justice. Summer's work on behalf of the young people of Los Angeles is simply remarkable.

On September 13, the six pilot schools that make up the Robert F. Kennedy Community Schools Complex began instructing students in grades kindergarten through 12th on its campus located in the Pico-Union/Korea Town neighborhood of Los Angeles. The schools are located on the site of the former Ambassador Hotel and because of the historic nature of the site, there were legal challenges to converting the site to a school. Community members and organizations, including RFK–12, came together to advocate for a local school. In 2005, the Los Angeles Unified School District School Board and Superintendent Roy Romer appointed the Robert F. Kennedy Commission to provide recommendations on how to memorialize Senator Kennedy's life. The commission was chaired by former California Supreme Court Justice Cruz Reynoso, and included a number of civic leaders.

The Commission's major recommendation called for a social justice theme to permeate the curriculum, extending from kindergarten through high school that would reflect Senator Kennedy's commitment throughout his public life.

The schools activities include: the creation of a foundation guided by an Advisory Committee that will help to fund social-justice related activities and act as a resource for the schools on establishing relationships with community service groups outside the school locally and in the larger world, a speakers program, a fellows program that will bring emerging and established leaders to the school, and the creation of a public park recalling the inspirational speeches by the Senator and others.

The pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Summer has been instrumental in the improvement of public education in Los Angeles. I wish her all the best as she continues her important work on behalf of young people. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

A TRIBUTE TO MARY SCARPA FOR HER PUBLIC SERVICE TO ADELANTO, CALIFORNIA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. LEWIS of California. Madam Speaker, I would like to join today with my friend and colleague Congressman BUCK MCKEON in paying tribute to Mary Scarpa, the former mayor of Adelanto, California, who helped that small desert city grow and prosper over two decades of public service.

Mary Scarpa arrived in California's Mojave Desert in 1968 with her husband John, joining their lifelong friends from the U.S. Air Force, Patricia and Herbert Chamberlaine. They moved to Adelanto, a then tiny city in the shadow of George Air Force Base, where Herbert Chamberlaine was stationed.

Within two years, Mary Scarpa and Patricia Chamberlaine began their community involvement by helping organize the incorporation of the city of Adelanto. They founded the Adelanto Independent newspaper to watch over civic affairs. Mary Scarpa joined the city's planning commission in 1971, and was elected to the City Council in 1981. She served on the council for the next 16 years, including four years as Mayor. For many of those years, she was joined on the civic body by her friend Pat Chamberlaine.

The city of Adelanto had just 2,100 residents when Mary Scarpa was elected to the council. It had few amenities and almost no business base other than the Air Force Base. Today, the city has industrial parks, housing tracts and its own minor league baseball stadium—and a population approaching 30,000. Mary Scarpa is credited for much of the progress.

At 83, Mary Scarpa is still involved in community activities through her work with the Community Food Closet charitable pantry and through organizations like the Veterans of Foreign Wars and the Read Across America program in the local schools. She has attended nearly every game of the minor league High Desert Mavericks at the baseball stadium she helped bring to the city.

Madam Speaker, the city of Adelanto and the Adelanto Chamber of Commerce are honoring Mary Scarpa as one of the founders and civic leaders of the city. Please join Congressman MCKEON and me in congratulating Mary on her long years of public service, and wishing her well in her future endeavors.

HONORING THE CAREER OF MARGIE FITES SEIGLE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SCHIFF. Madam Speaker, I rise today to recognize Margie Fites Seigle and to celebrate her retirement after 17 years as the visionary President & CEO of the California Family Health Council (CFHC), headquartered in Los Angeles, California.

Margie Fites Seigle has long been a peerless advocate for the low-income and underserved. A champion for women's and civil rights, Margie's career in social justice began after she accepted a job with Planned Parenthood, an organization dedicated to advocating for and ensuring access to important reproductive and sexual health care services. For the next 17 years, Margie served as Executive Director of two Planned Parenthood affiliates: Allentown, Pennsylvania and Orange/San Bernardino Counties, California, where she lead an expansion of services and geographic outreach.

But perhaps Margie's most pivotal role has been as the President & CEO of the California Family Health Council. CFHC works with over 70 delegate agencies that provide family planning services in more than 300 clinics throughout the state of California. More than one million Californians receive care in one of these clinics. CFHC also conducts contraceptive research; develops culturally and linguistically appropriate educational materials; facilitates conferences, seminars, and training workshops for clinical staff and community health workers; and champions reproductive health and justice issues through coalition building and policy advocacy.

Aside from her leadership roles, Margie has actively promoted increased access to health care services for California's women and men through strategic alliance building. Margie has served on the boards of the Coalition of Orange County Community Clinics; the Family Planning Councils of America; the Family Planning Providers Council; the Guttmacher Institute; and the National Family Planning & Reproductive Health Association.

Margie has worked hard to promote and preserve California's Medicaid waiver for family planning services, FamilyPACT, which provides health care to low-income women and men at no cost. Though the waiver provides cost-savings to the state of California, it is consistently under threat. The FamilyPACT program remains alive today as a direct result of the efforts of Margie and other coalition partners who fight to maintain it.

Madam Speaker, I want to recognize Margie Fites Seigle for all of the important work she has done to expand access to vital reproductive and sexual health care for millions of Americans, and for her many years of unwavering dedication to the low-income and underserved.

HONORING MAXWELL KENNEDY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Maxwell Kennedy, my cousin, for his stewardship in the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, Maxwell's father and my uncle, the schools are devoted to social justice. Maxwell's work on behalf of the young people of Los Angeles is simply remarkable.

On September 13, the six pilot schools that make up the Robert F. Kennedy Community Schools Complex began instructing students in grades kindergarten through 12th on its campus located in the Pico-Union/Korea Town neighborhood of Los Angeles. The schools are located on the site of the former Ambassador Hotel and because of the historic nature of the site, there were legal challenges to converting the site to a school. Community members and organizations, including RFK–12, came together to advocate for a local school. In 2005, the Los Angeles Unified School District School Board and Superintendent Roy Romer appointed the Robert F. Kennedy Commission to provide recommendations on how to memorialize Senator Kennedy's life. The commission was chaired by former California Supreme Court Justice Cruz Reynoso, and included a number of civic leaders.

The Commission's major recommendation called for a social justice theme to permeate the curriculum, extending from kindergarten through high school that would reflect Senator Kennedy's commitment throughout his public life.

The schools activities include: the creation of a foundation guided by an Advisory Committee that will help to fund social-justice related activities and act as a resource for the schools on establishing relationships with community service groups outside the school locally and in the larger world, a speakers program, a fellows program that will bring emerging and established leaders to the school, and the creation of a public park recalling the inspirational speeches by the Senator and others.

The pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Maxwell has been instrumental in the improvement of public education in Los Angeles. I wish him all the best as he continues his important work on behalf of young people. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

REPRESENTATIVE CAROLYN CHEEKS KILPATRICK

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. LEE of California. Madam Speaker, on behalf of the Congressional Black Caucus it is with great pleasure and pride that I rise today to extend my best wishes to Congresswoman CAROLYN KILPATRICK as she prepares to retire from the United States Congress after 14 years of service to the people of the 13th congressional district of Michigan and our nation.

Congresswoman Kilpatrick was an exemplary chair of the Congressional Black Caucus, who I served with as First Vice Chair during the 110th Congress. I have also had the pleasure of serving with Congresswoman KILPATRICK as a member of the House Appropriations Committee, where she has been a forceful advocate for her constituents and the state of Michigan. A brilliant and focused lawmaker, Congresswoman KILPATRICK is known for her inspirational leadership, her outstanding passion for public service, and her steadfast commitment to education and equality.

While serving on Capitol Hill, Congresswoman KILPATRICK has worked to level the

playing field for minority-owned media outlets and advertising firms that face discrimination from major advertisers. Spearheading a movement to foster greater equity, she hosted groundbreaking forums on diversity in advertising and was a leading force in the successful effort to secure a Presidential Executive Order compelling all federal agencies to increase their contractual opportunities with minority businesses.

Prior to coming to Washington, Congresswoman KILPATRICK was a devoted mentor and educator who taught Business Education in the Detroit Public School system. From there, she was elected to the Michigan State House, where she served for 18 years and made history as the first African American woman to serve on the Michigan House Appropriations Committee. A tremendous role model to her students, supporters, colleagues, constituents and fellow Michigan residents, Congresswoman KILPATRICK has consistently demonstrated a pioneering fearlessness throughout her career.

She established the Sojourner Truth Project to inspire young African American women to be leaders, and has developed many projects to underscore her deep commitment to secure future opportunities for our young people. And, as an international leader, Congresswoman KILPATRICK has led efforts to enhance trade, cultural and educational efforts between the American people and the people of Africa. She has led delegations abroad to solidify these ties, including leading the Congressional delegation to celebrate the 40th anniversary of the independence of Ghana. Congresswoman KILPATRICK has long been a strong voice for a rational United States foreign and military policy, and her unique insight will be missed by colleagues and friends throughout Washington, DC.

Congresswoman KILPATRICK is a superb legislator and public servant, who throughout her illustrious career has always given voice to the voiceless and demonstrated an unyielding commitment to improving the human condition. There is no doubt that Congresswoman KILPATRICK has made an indelible mark on the world, and that she will continue to contribute the strength of her spirit, compassion, and intellect as she moves forward to this next chapter.

On behalf of the Congressional Black Caucus, I honor and salute Congresswoman KILPATRICK for her legacy of service to the residents of Michigan's 13th congressional district, to the American people, and to our global family.

TRIBUTE TO DR. CARL WONG

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today with my colleague, Representative LYNN WOOLSEY, to honor Dr. Carl Wong, an outstanding educator for 38 years who is retiring as the Sonora County Superintendent of Schools. Dr. Wong is a distinguished director whose work in this elected position provides countywide leadership, support, and fiscal oversight for the K–12 public school system, which is comprised of 40 school districts and 71,000 students.

A dedicated educator committed to the philosophy of public school education and to the welfare of students, Dr. Wong is a first generation Chinese-American from humble origins. Living in the federal housing projects in Valero, California where his father was employed at the Mare Island Naval Shipyard, Dr. Wong graduated from Napa High School and first pursued a career as a machinist at the Shipyard. Enrolling in night school through Napa Community College, Dr. Wong earned his degree and teaching credential at Chico State University. He began his career in education as a math and industrial arts teacher at Helix High School in San Diego County, later returning to school to become a counselor and administrator. As a full-rime faculty member and administrator, Dr. Wong earned his Ph.D. in education from Northern Arizona University.

In 1997, Dr. Wong returned to his home in Northern California, becoming superintendent of Petaluma City Schools, the second largest school district in Sonoma County. In this post, Dr. Wong successfully pioneered a framework to build collaboration and understanding between the district's major divisions to better serve youth. First elected Sonoma County Superintendent of Schools in 2002 and re-elected in 2006, Dr. Wong is credited with working with the County Board of Education, district and school administrators, and faculty to restructure and better serve local districts, helping them align themselves toward more continuity while building consensus for a shared, countywide vision.

The recipient of many awards and recognitions, Carl Wong is a compassionate mentor, both to students and to colleagues. His background gives him a unique understanding of students who don't excel in traditional academic settings. He is a tireless advocate whose goal is to prepare all students to become productive citizens engaged in the democratic process. An active community speaker, Dr. Wong gives generously of his time and energies, serving on numerous boards and councils, including the Board of Supervisors' appointee to the Sonoma County Workforce Investment Board, the United Way of Wine Country Board, and the Santa Rosa Mayor's Gang Prevention Task Force.

Madam Speaker, Dr. Carl Wong is a very talented man, a man of remarkable commitment and it is therefore appropriate to honor him today and to wish him well in his next endeavor. Congratulations, Carl Wong—you will be missed!

CAMPUS SAVE ACT

HON. THOMAS S. P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. PERRIELLO. Madam Speaker, I recently introduce the "Campus Sexual Violence Elimination Act" or "Campus SaVE Act". This bill will help better protect our Nation's college and university students from sexual assault and other forms of intimate partner violence.

Recent events on campuses across the Nation have come as a shocking wake-up call to many of us about the issue of dating violence. While not often thought of as a college problem, nearly a third, 29 percent, of college students reported physically assaulting a dating partner in one study by the Family Research Laboratory at the University of New Hampshire.

Sexual assault is also more widespread than often believed. Between one-fifth and one-quarter of female undergraduates will be the victim of a completed or attempted rape, in nearly all cases by an acquaintance or intimate partner, according to the U.S. Department of Justice, DOJ, although fewer than five percent report to the authorities.

More than 13 percent of women also reported having been stalked in a single school year according to the DOJ.

The Campus SaVE Act would update 18-year-old provisions in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Clery Act. These longstanding provisions already require sexual assault awareness programming and victims' rights, but don't address the full range of intimate partner violence or incorporate the latest lessons learned about how to successfully prevent and respond to these challenges.

Our bill would amend the Clery Act so that it covers a more inclusive range of intimate partner violence including stalking, dating violence, sexual violence, or domestic violence. It would also expand the education programs institutions must offer to include primary prevention and bystander intervention. This will empower the students themselves to know how to intervene, and to do so safely, something the University of Virginia has led the way in discussing. Violence prevention experts believe that this type of bystander intervention is a critical piece of the solution because these incidents often aren't reported to campus or other officials, and fellow students are in many ways the true first responders.

It would also require a discussion of consent and information about the scope of intimate partner violence at each institution.

One reason these crimes aren't more widely discussed is that all too often their victims do not come forward to seek justice or even assistance. They feel they will not receive the support they need, or even worse that they will be revictimized by a process not set up to handle their report properly, according to the victim advocates I consulted with. Many end up transferring or leaving school altogether.

For these reasons, the Campus SaVE Act would also provide for a more robust framework of victims' rights in these cases designed to better guarantee a supportive structure. Victims would have a right to prompt proceedings conducted by officials trained in the issues of sex offenses and intimate partner violence.

The proceedings would also use the preponderance of the evidence standard, the standard used in any civil court proceeding across the United States, rather than a higher burden such as clear and convincing or even the beyond a reasonable doubt. This will guarantee the accused significant due process, while not making it more difficult than necessary for institutions to effectively respond to threats to campus safety.

Finally, the Campus SaVE Act provides for the U.S. Department of Education to collaborate with the U.S. Department of Justice, leveraging their experience from administering the Grants to Reduce Domestic Violence, Dating Violence, Sexual Assault, and Stalking on Campus program, to compile and disseminate best practices information. While ensuring campuses have the latitude to develop programs that work best for their own unique

communities, this will guarantee institutions have the tools they need to develop effective programs without significant experimentation or expense.

I would like to thank the team at Security On Campus, Inc., SOC, the national non-profit group founded by Jeanne Clery's parents, Connie and Howard, after her rape and murder on her Pennsylvania campus in 1986, for their support in developing this legislation and for their full endorsement. Liz Seccuro, herself a survivor of campus rape at the University of Virginia in 1984, has been especially inspiring in her support of our work and I want to commend her for her courage in coming forward publicly so that the current generation of students can receive the protection she was denied.

I would also like to thank Kristen Lombardi and Kristen Jones of the Center for Public Integrity. Their year-long expose "Sexual Assault On Campus—A Frustrating Search for Justice" ran earlier this year, along with companion segments on NPR, exposing many of the gaps the Campus SaVE Act will help to fill.

Madam Speaker, the scope of intimate partner violence significantly undermines the billions of taxpayer dollars we invest in higher education. The Campus SaVE Act will help protect this investment, but more importantly our most valuable asset—our children and our future. College campuses should be a safe and secure place of learning, not a place where anyone feels uncomfortable or unsafe.

HONORING AMBASSADOR JEAN KENNEDY SMITH

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to congratulate Ambassador Jean Kennedy Smith, my aunt, upon being chosen as a recipient of the Presidential Medal of Freedom to be presented by President Obama at a ceremony in early 2011. The Presidential Medal of Freedom is the country's highest civilian honor, presented to individuals who have made great contributions to U.S. security or world peace, or made other cultural or significant accomplishments. Aunt Jean's work with the arts and those with disabilities is simply unmatched.

In 1974, Aunt Jean founded VSA, a nonprofit, international organization affiliated with the John F. Kennedy Center that promotes the artistic talents of children, youth and adults with disabilities. VSA also provides education opportunities for people with disabilities and increases access to the arts for all. With 52 international affiliates and a network of nationwide affiliates, VSA is changing perceptions about people with disabilities around the world. Each year, 7 million people of all ages and abilities participate in VSA programs, which cover all artistic genres.

For 46 years, Aunt Jean has been a member of the Board of Trustees of the Joseph P. Kennedy, Jr. Foundation, which provides grants to promote awareness and advocacy in the field of intellectual disabilities. Her book, Chronicles of Courage: Very Special Artists, written in collaboration with George Plimpton, was published by Random House in April 1993.

President Clinton named Aunt Jean U.S. Ambassador to Ireland, where she played a pivotal role in the peace process from 1993 to 1998. She is the youngest daughter of Joseph and Rose Kennedy, my grandparents, and is the Secretary of the Board of Trustees of the Kennedy Center.

I wish Aunt Jean all the best as she continues her important work on behalf of those with disabilities. She will continue to carry my own admiration, and that of all who have had the privilege to work with her.

HONORING DR. CARL WONG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. WOOLSEY. Madam Speaker, I rise today with my colleague, Representative MIKE THOMPSON, to honor Dr. Carl Wong, an outstanding educator for 38 years who is retiring as the Sonoma County Superintendent of Schools. Dr. Wong is a distinguished director whose work in this elected position provides countywide leadership, support, and fiscal oversight for the K–12 public school system, which is comprised of 40 school districts and 71,000 students.

A dedicated educator committed to the philosophy of public school education and to the welfare of students, Dr. Wong is a first generation Chinese-American from humble origins. Living in the federal housing projects in Vallejo, California where his father was employed at the Mare Island Naval Shipyard, Dr. Wong graduated from Napa High School and first pursued a career as a machinist at the Shipyard. Enrolling in night school through Napa Community College, Dr. Wong earned his degree and teaching credential at Chico State University. He began his career in education as a math and industrial arts teacher at Helix High School in San Diego County, later returning to school to become a counselor and administrator. As a full-time faculty member and administrator, Dr. Wong earned his Ph.D. in education from Northern Arizona University.

In 1997, Dr. Wong returned to his home in Northern California, becoming superintendent of Petaluma City Schools, the second largest school district in Sonoma County. In this post, Dr. Wong successfully pioneered a framework to build collaboration and understanding between the district's major divisions to better serve youth. First elected Sonoma County Superintendent of Schools in 2002 and re-elected in 2006, Dr. Wong is credited with working with the County Board of Education, district and school administrators, and faculty to restructure and better serve local districts, helping them align themselves toward more continuity while building consensus for a shared, countywide vision.

The recipient of many awards and recognitions, Carl Wong is a compassionate mentor, both to students and to colleagues. His background gives him a unique understanding of students who don't excel in traditional academic settings. He is a tireless advocate whose goal is to prepare all students to become productive citizens engaged in the democratic process. An active community speaker, Dr. Wong gives generously of his time and energies, serving on numerous boards and councils, including the Board of Supervisors' appointee to the Sonoma County Workforce Investment Board, the United Way of Wine Country Board, and the Santa Rosa Mayor's Gang Prevention Task Force.

Madam Speaker, Dr. Carl Wong is a very talented man, a man of remarkable commitment and it is therefore appropriate to honor him today and to wish him well in his next endeavor. Congratulations, Carl Wong—you will be missed!

TRIBUTE TO CONGRESSMAN STEPHEN SOLARZ

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. MCMAHON. Madam Speaker, today I rise to honor the memory of native Brooklynite, global connoisseur and dear friend, Congressman Stephen Solarz.

Congressman Solarz worked tirelessly on the House Foreign Affairs Committee as Chairman of the Subcommittee on Asia and the Pacific to address some of the most controversial topics and political figures of our time. Congressman Solarz combined American foreign policy with a Brooklyn twist, being both affable and austere when necessary. His work affected numerous corners of the world from North Korea to Israel to Turkey and beyond.

Furthermore, Congressman Solarz's legendary staff members, including Assemblyman Peter Abbate, have gone on to contribute greatly to New York City. I have had the pleasure of working with his colleagues and have seen the Congressman's great work live on through them.

Today, on the day of his funeral, my thoughts and prayers are with his family and his wife, Nina. It brings me great sadness to say goodbye to an American hero like Congressman Solarz. He will truly be missed across the globe.

ON WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HASTINGS of Florida. Madam Speaker, I rise today in solemn observance of the World Day of Remembrance for Road Crash Victims and their Families, which was observed on Sunday, November 21, 2010. I offer my heartfelt condolences to all those who have lost loved ones to road crashes. This observance spans the globe, uniting every person regardless of age, class, gender, race, nationality, or geography, as road crashes can devastate any life at any time.

Indeed, road crashes profoundly alter the lives of millions of people. The leading cause of death throughout the world for people ages 5 to 29 is not disease or war but road crashes. A staggering 1.3 million people are killed in road crashes every year, and another 20 to 50 million are injured in traffic accidents. On

average, over 1,000 people under the age of 25 die every single day on the world's roads, and the annual monetary cost of motor vehicle crashes worldwide is currently estimated at $518 billion.

These numbers are increasing dramatically and place particular strain on underdeveloped and developing nations, where crash rates are at their highest. In developing countries, road crashes have a dramatic impact on fragile economies, costing an estimated $100 billion and often exceeding the total amount received by these countries in development assistance. Furthermore, road crashes affect first responder services, health care services, and health insurance services, as many victims require extensive, and expensive, critical care, as well as follow-up care and rehabilitation.

Road crashes are particularly devastating when examining the effect on young people. Globally, more than 40 percent of all road traffic deaths occur among individuals under 25 years old, and crashes are the leading cause of death for children and young adults aged 10–25 years old. Over the next decade, this is estimated to become the leading cause of death for children 5 and older worldwide. It is my fervent hope that our observance of the World Day of Remembrance will help to prevent the needless end of so many young lives in the future.

Unlike other epidemics and tragedies which modern science has not yet found ways to eradicate, the cure for road crashes is within our grasp, and the United States has taken a critical, active role domestically and internationally to address this problem. In November 2009, the Moscow Declaration, signed by 150 countries, encouraged the establishment of a Decade of Action for Road Safety from 2011 to 2020, and laid the foundation for United Nations General Assembly Resolution 64/255 adopted in March 2010. This U.N. resolution recognizes that the devastation caused by road crashes negatively impacts the social, economic, and health targets of the Millennium Development Goals. The United States now takes the lead in furthering the goals of this initiative and setting an example for the rest of the world by improving transportation management, infrastructure, vehicle safety, education, and post-crash care and rehabilitation here at home. It is of the utmost importance that we continue to support public policies designed to reduce key risk factors like speeding, drunk driving, distracted driving, and the failure of many Americans to use seat belts, child restraints, and other safety devices.

The Decade of Action for Road Safety has not been declared to merely raise awareness, but also to take action. We all use roads, cars, buses, and bicycles every day. It is easy to take our safety for granted. But too many tragedies remind us that road fatalities and injuries have an enormous impact on our lives. This resolution expresses the House of Representatives' support for the Decade of Action and encourages the federal government to support efforts to reduce road fatalities, preventing needless deaths and injuries both here at home and around the world.

Madam Speaker, as Americans travel the world more and more and as our global society grows ever more close-knit, the pressing importance of our observance of the World Day of Remembrance only grows as well.

HONORING TIMOTHY SHRIVER

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Timothy Shriver, my cousin, for his stewardship in leading the world's most formative human rights organization. Tim is the Chairman of the Board of Directors and the Chief Executive Officer of the Special Olympics. In this capacity, Tim serves 3.1 million Special Olympics athletes and their families in 175 countries. His work for those with disabilities is simply unmatched.

After taking the helm at Special Olympics in 1996, Cousin Tim launched the organization's most ambitious growth agenda, leading to the recruitment of more than 2 million new athletes around the world. He has worked with the leaders of China to initiate a thriving Special Olympics Program in their country, highlighted by their hosting the 2007 Special Olympics World Summer Games in Shanghai. He has also worked with world leaders such as Nelson Mandela, Bill Clinton, George Bush, Bertie Ahern, Rafiq Hariri, Thabo Weld, Julius Nyerere, Hosni Mubarak and Shimon Peres to advance the growth of the Special Olympics mission and vision while challenging nations to adopt more supportive and just policies. He has spearheaded programs in developing or war-torn countries such as Afghanistan, Bosnia, Herzegovina and Iraq.

Tim has also created exciting new Special Olympics initiatives in athlete leadership, cross-cultural research, health, education and family support. Among them, Special Olympics Healthy Athletes has become the world's largest public health screening and education program for people with intellectual disabilities, and Special Olympics Get Into It, together with Unified Sports, promotes inclusion and acceptance around the world.

In addition, he has worked to garner more legislative attention and government support for issues of concern to the Special Olympics community, testifying before the U.S. Congress on numerous occasions.

As part of his passion for promoting the gifts of the forgotten, Tim has harnessed the power of Hollywood to share the stories of inspiration and change, co-producing DreamWorks Studios' 1997 release, ''Amistad,'' and Disney. Studios' 2000 release, ''The Loretta Claiborne Story.'' He is Executive Producer of ''The Ringer,'' a Family Brothers' film, and also has produced or co-produced shows for ABC, TNT and NBC networks, and made broadcast appearances on ''The Today Show,'' CNN, MTV and Nickelodeon's ''World of Difference.''

Before joining Special Olympics, Tim was and remains a leading educator focusing on the social and emotional factors in learning. He has worked in substance abuse prevention, violence, dropout prevention and teen pregnancy prevention. He created the New Haven Public Schools' Social Development Project, now considered the leading school-based prevention effort in the United States, and co-founded the Collaborative for Academic, Social and Emotional Learning (CASEL), the leading research organization in the United States in the field of social and emotional learning. Tim currently chairs CASEL.

Tim earned his undergraduate degree from Yale University, a Master's degree in Religion and Religious Education from Catholic University, and a Doctorate in Education from the University of Connecticut. He is the recipient of numerous honors, including honorary degrees from Loyola University, New England College and Albertus Magnus College; the Medal of the City of Athens, Greece; the Order de Manuel Amador Guerrera of the Republic of Panama; the 1995 Connecticut Citizen of the Year; the Surgeon General's Medallion; and the 2007 Lions Humanitarian Award. He has authored articles in many leading publications including ''The New York Times,'' ''The Washington Post'' and ''Commonweal.''

Tim has helped transform Special Olympics into a movement that focuses on respect, acceptance and inclusion for individuals with intellectual disabilities in all corners of the globe. I wish Tim all the best as he continues his important work on behalf of those with disabilities. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

EXPRESSING OUR APPRECIATION FOR THE DEDICATED STAFF OF THE 8TH CONGRESSIONAL DISTRICT

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. TANNER. Madam Speaker, I rise today on behalf of the citizens of Tennessee's 8th congressional district to express our great appreciation for the distinguished service of the 8th district staff.

As you and our colleagues know, it is simply not possible to fully perform our duties in this body without the help of dedicated staff members. They are called on to work long hours helping us communicate with our constituents and assisting families with personal matters before the federal government.

The team representing the 8th district has helped west and middle Tennesseans resolve an estimated 30,000 federal cases over the past 22 years and has talked with hundreds of thousands more about their views on issues pending before Congress.

There are few, if any, communities where our staff has not helped improve and enhance the quality of life. We have worked with state and local officials to secure funding for water and sewer systems; better school facilities; senior citizen services; assistance for farmers; recreation facilities; public hunting and fishing opportunities; rural health care; satellite Veterans Affairs centers so our rural veterans can see doctors closer to home; rural broadband upgrades; rural fire and police services; and highway, infrastructure and economic development projects to create thousands of jobs. The list could go on and on.

We are deeply proud of this record of constituent service, which is only possible because of the hard work and expert skill of dedicated staff members who have made sacrifices to address the needs and concerns of our neighbors. They are leaders in our communities who recognize public service is an opportunity to help people and see their jobs as a source of pride.

Three staff members working in our office now or who have recently retired from federal service—Judy Counce, Shirlene Mercer and Lou Anne White—started working for the 8th district when Betty Ann and I came to Congress, and we are fortunate that they remained with us.

Six others began their service to the 8th district before that, working alongside my predecessor, Congressman Ed Jones. This truly extraordinary team includes Kathy Becker, Margaret Black Matilla and Betty Hardin, all of whom still work in the 8th district offices today; and Joe Hill, Doug Thompson and Vickie Walling, all of whom recently retired from federal service.

Brad Thompson and Tom Turner are also longtime staff members who have given a great deal of time and energy to our district.

Others on the 8th district team for the 111th Congress include Mary Kate Allen, Mary Arnold, Elizabeth Brown, Christy Bugg, Carling Dinkier IV, Randy Ford, Jon Merlis, Beth Ann Saracco, Debbie Shires, Marilyn Simpson and George Tagg Jr.

Madam Speaker, I appreciate you and our colleagues joining me in a well-deserved expression of appreciation for the women and men who have served alongside Betty Ann and me over the past 22 years, whose selfless, tireless efforts on our behalf have led to meaningful contributions to the 8th district and our country.

COMMEMORATING TURKEY ON THEIR REPUBLIC DAY

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DELAHUNT. Madam Speaker, I recently returned from the Franklin Center for Global Policy Exchange's 26th TransAtlantic Conference in Ankara and Istanbul, Turkey.

Joining me for this bipartisan conference were House colleagues JEAN SCHMIDT, FRANK LUCAS, JAMES SENSENBRENNER, and JIM MORAN.

This conference brought together Turkish and European Union government officials, members of the diplomatic community, scholars, and private sector leaders, to find ways to enhance understanding of the global challenges currently facing the U.S. and Turkey. We discussed how vital the bilateral relationship has been to both countries and how the alliance has served our national interest for over 60 years.

The key to our relationship is strengthening collaboration toward shared goals. Only with a renewed sense of trust and understanding will this partnership continue to thrive in the 21st century.

In honor of the deep friendship between the U.S. and Turkey, I come to the House Floor today to congratulate the Turkish people and their government on the 87th anniversary of the founding of their nation by Mustafa Kemal on October 29, 2010.

Mustafa Kemal, who was later given the name Ataturk, meaning ''father of the Turks,'' rejected the crumbling structures and outdated modes of empire and embraced instead a platform of reform and modernization, a legacy that continues in Turkey to this day.

I am pleased to take this opportunity to highlight some of the incredible accomplishments of one of the world's most dynamic nations. Over the past 87 years, Turkey has joined the G20, NATO and the United Nations, becoming a leader on many diplomatic issues in the Middle East, Europe and around the world. She has led humanitarian missions in Afghanistan and Iraq, and taken the lead in the United Nations relating to Somali pirates and North Korea.

Turkey has followed President Ataturk's vision by partnering with the West, and also by building relationships with its neighbors to help stabilize the region.

I speak for the American people in extending our wishes for the continued strength and success of the Republic of Turkey.

HONORING THE LIFE OF FRANCES LOUISE LASTER HAYES

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. COHEN. Madam Speaker, I rise today to honor the life of Mrs. Frances Louise Laster Hayes, the owner of T.H. Hayes and Sons Funeral Home in Memphis, Tennessee. She was born to Robert Laster and Maude Blair Laster in Fort Smith, Arkansas on January 9, 1907. Due to her mother's death, Frances and her three siblings, Mary, Clifford and Walter were raised by her father and aunt, Callie.

Frances Laster attended Lemoyne Normal school, now Lemoyne College, in the 1920s. She studied commerce and earned a Bachelors degree in business administration. After graduation, Frances took a position at her family's lucrative business in Spring Lake, New Jersey. She worked there 8 years before returning to Memphis, where she married Taylor Hayes of Hayes Funeral home, the oldest continuing African-American-owned business in Tennessee.

When Frances Hayes married into the Hayes family at age 23, she had no experience in the funeral home industry. She started as a secretary working side-by-side with her husband and brother-in-law, learning the business of mortuary science. Earning her funeral director's license, Mrs. Hayes became one of the first licensed black female directors. Mrs. Hayes took over the Hayes funeral home with the help of family members when her husband died in 1968.

Mrs. Hayes received several awards and mentions over her lifetime. In 2002, Mrs. Hayes was awarded the President Award of Excellence from the National Funeral Director and Mortician Association Inc. and was also an honorary member of Who's Who of Black Funeral Directors. In recognition of the 100th anniversary of T.H. Hayes and Sons Funeral Home, she was honored by Grace Magazine, the Commercial Appeal and the Tri-State Defender. She was prominent in social and civic realms and was a member of the Memphis Dinner Club, once described as one of the most exclusive black social clubs in America. She was also a member of the 2nd Congregational Church in Memphis, Tennessee.

At 103 years old, Frances Hayes was the epitome of a family matriarch. Her life experiences were widespread, including WWI and WWII, Vietnam, The Gulf, The Great Depression, modernization of the auto, the assassinations of M.L. King, John F. Kennedy, and Robert Kennedy, the Civil Rights Act of 1964, the Birth of Blues with WC Handy. Just two years ago she said ''I can't believe we have a Black president, and she's such a beautiful First Lady.''

Frances Hayes passed away Sunday, November 21, 2010 at the age of 103 at Methodist University Hospital. Mrs. Hayes' legacy lives on through her nephew Powers Thornton, Jr., her brother-in-law's daughter, Tommye Kay Armstrong and her Godsons, Antonio Benson, Eddie Brooks, Elbert Webster and her dozens of nieces and nephews. We are honored for her dedication to Memphis, Tennessee and her contributions to the Memphis community. Hers was a life well lived.

HONORING TYLER WHITLEY FOR HIS 50 YEARS OF SERVICE AT THE RICHMOND TIMES-DISPATCH

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. CANTOR. Madam Speaker, I rise today to congratulate Tyler Whitley for his 50 years of service at the Richmond Times-Dispatch and the Richmond News Leader.

After graduating from Hampden-Sydney College, Tyler Whitley began his career with the Richmond News Leader as an obituary writer and then served as business editor for about six years before becoming a political reporter in 1980. He continued covering Virginia politics for the Richmond Times-Dispatch when the papers merged in 1992. A constituent of Virginia's Seventh District and a veteran journalist, Tyler Whitley has covered nine governors, 14 national political conventions and four decades of the Virginia General Assembly.

Known as the sage of the Virginia press corps, Tyler Whitley is highly respected by his colleagues for his hard work and dedication to his craft. He is a familiar face at Virginia political events and a household name to his many readers through countless bylines. He is a fair and honest reporter who I've had the pleasure to work with since my days in the Virginia House of Delegates and continue to work with today.

It is often said that reporters write the first version of history. In that case, Tyler Whitley has written more history than most. Please join me in recognizing Tyler Whitley as he marks a significant milestone in his distinguished career after 50 years of service at Richmond's paper of record.

CLAIMS RESOLUTION ACT OF 2010

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 30, 2010

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in support of H.R. 4783, Claims Resolution Act, as amended by the Senate to resolve claims against the United States government

related to the Pigford class action lawsuit, and the Cobell class action lawsuit. The Claims Resolution Act included several provisions addressing a long-delayed justice for tens of thousands of African-Americans and hundreds of thousands of Native Americans.

In 1999, a federal judge approved a settlement agreement in a class action lawsuit (Pigford v. Glickman) filed by African-Americans farmers against the United States Department of Agriculture, USDA, for denying them federal loans, disaster assistance, and other services. Under this agreement, black farmers, who were eligible and filed a complaint against the USDA by July 1, 1997, were to receive compensation resulting from discrimination practices. However, tens of thousands of black farmers filed after the cutoff date because they reported not receiving or being notified of any information regarding a filing deadline. Therefore, they were not included in this class action to receive compensation. As a result, black farmers and the federal government have been fighting over this issue for years.

H.R. 4783 is a bill that contained a provision to provide some relief to those that were left out of the original class action. This legislative measure provides an estimated $1.15 billion to resolve the longstanding Pigford case. In addition, other legislative language was included in H.R. 4783 to address an injustice against the Native Americans regarding a long-running class action lawsuit (Cobell v. Salazar).

The Cobell class action lawsuit alleged that the Interior Department mismanaged billions of dollars in grazing land, gas, oil and other royalties owed to hundreds of thousands of American Indians. H.R. 4783 resolves claims against the government regarding the government's management and accounting for over 500,000 individual Indians' trust accounts. This provision is estimated to cost $3.412 billion.

H.R. 4783 is a bill that is long overdue to address past failures and misjudgments of the United States Department of Agriculture and Department of the Interior toward African-American farmers and Native Americans. Moving forward as a Nation, we hope that we can build on the existence of our past to learn from our failures and to move forward without any racial, gender, and religious malice.

REPRESENTATIVE JOHN LEWIS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. HOYER. Madam Speaker, Congressman JOHN LEWIS of Georgia is an icon of courage, dignity, and perseverance. He risked his life in the struggle for civil rights for all Americans, he stood with Dr. King as one of that movement's most eloquent and inspirational leaders, and he has held steadfast to the principle of equal justice in every part of his public life, from the Freedom Rides to his service in the House. I am proud to call him a dear friend—and I am proud that his leadership has recently been honored with two prestigious awards.

On November 17, President Obama announced Congressman LEWIS as one of the next recipients of the Presidential Medal of Freedom, America's highest civilian honor. The award citation noted his courage on ''Bloody Sunday'' in Selma, Alabama, and his contributions to the passage of the landmark Voting Rights Act; it observed that ''JOHN LEWIS is an American hero and a giant of the Civil Rights Movement.'' The medal will be presented early next year.

On the same day, Congressman LEWIS was also honored by the Lyndon Baines Johnson Foundation as the inaugural recipient of the LBJ Liberty and Justice for All Award. The award marks Congressman LEWIS's lifelong commitment to the founding principles that were the watchword of the Civil Rights Movement. It also recognizes the determined legislative leadership that enabled President Johnson to turn the movement's moral vision into political action. The LBJ Foundation honored Congressman LEWIS for ''his dedication to the highest ethical standards and moral principles [which] has won him the admiration of many of his colleagues on both sides of the aisle in the United States Congress.''

I am among those colleagues who have taken regular inspiration from the force of JOHN LEWIS's example. He has my sincere congratulations on these recent honors.

IN MEMORY OF ROBERT E. OLIPHANT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SKELTON. Madam Speaker, it is with great sadness that I inform the House of the death of Robert E. Oliphant. Mr. Oliphant, who passed away at the age of 88, is survived by his wife Pearl; his two daughters Deborah and Patti; and his two grandchildren, Justin and Emily. The community of Odessa and the State of Missouri will sorely miss this remarkable man's leadership, generosity, and congenial disposition.

Born on June 22, 1922, in Cainsville, MO, he was raised by Glenn and Cordia Oliphant in Princeton, MO. After graduating high school in 1941, he attended Chillicothe Business College for a year before heeding the call to service and entering the United States Army. He began basic training in the spring of 1944 and was shipped off to Europe where he served with the 103rd Infantry Division. During the Battle of the Bulge in late 1944, he suffered injuries to his shoulder and arm and was awarded the Purple Heart.

After recovering from his injuries, Mr. Oliphant began working for Clarence H. Goppert at the People's Bank in Kansas City. In 1948, Mr. Goppert acquired the Bank of Odessa and Mr. Oliphant was named executive vice president of the bank. After being promoted to president in the early 1960s, he became chairman of the board of the Bank of Odessa and remained in that position for more than 40 years. Under his leadership, the Bank of Odessa provided invaluable assistance to area churches, civic groups, and volunteer organizations. This assistance and Mr. Oliphant's personal philanthropy allowed these organizations to thrive, prosper, and serve countless individuals.

Mr. Oliphant's leadership in the Odessa community goes far beyond his work at the Bank of Odessa. Selected in the first Hall of Fame class of the Odessa R–7 Public School Foundation, he was also a founding member of the Odessa Rotary Club, a longtime member of the Odessa Lions Club, and a lifetime member of the Odessa Veterans of Foreign Wars Post. I have no doubt that he has touched the lives of every person in the Odessa community, and his legacy will remain for generations to come.

Madam Speaker, Mr. Oliphant has served our Nation well as a dedicated family man, a military veteran, and a community servant. I trust my fellow members of the House will join me in celebrating the life of an American treasure, Robert E. Oliphant.

IN HONOR OF MR. ARMSTER HINTON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. BISHOP of Georgia. Madam Speaker, I rise today to join my constituents in celebrating the 124th Anniversary of Greater Saint Mark AME Church in Columbus, Georgia. As part of this celebration, we honor the Church's oldest living member, Mr. Armster Hinton, who is 96 years old and has spent the majority of his life worshiping as a parishioner at Greater Saint Mark AME Church.

Born April 16, 1914 in Hurtsboro, Alabama, where his family owned a horse farm, Mr. Hinton is the son of the late Merion and Daisy Hinton. He was educated at William H. Spencer High School, and graduated from that institution in 1933.

Mr. Hinton sought higher education, and graduated from Albany State College with a degree in business. He went on to honorably serve his country during World War II. While a soldier in the U.S. Army, his company in the Army made dog tags for the troops. He also instructed his fellow soldiers in reading and writing, helping many of them to attain a fourth grade level education.

In 1934, Mr. Hinton was married to the love of his life, the late Mrs. Nell Blanchette Gibson Hinton. They were married for 71 wonderful years and were blessed with a beautiful daughter, Mrs. Beverly Gaynell Hinton Hugle. Mrs. Hugle is married to Mr. Kenneth Hugle, who Mr. Hinton considers a son. Mr. Hinton's family also includes his precocious grandson, Master Destin Hinton Hugle.

Along with his immediate family, Mr. Hinton's great love has impacted countless lives, namely those of his god-children: Mrs. Doris Burton Upshaw; Mrs. Frances Jones Walker; Mrs. Rose Marie Wilson Arnold; Rev. Paul Berry, III; Mrs. Jasper Dawkins, Jr.; and Mrs. Jasmine Dawkins Jones.

A master tailor, he is retired from Tillman's Men's Clothing in Columbus. In his retirement, he has utilized his many talents as an avid cook and a consummate gardener. Mr. Hinton also has been the recipient of numerous recognitions from Greater Saint Mark AME Church, where he has been a life-long member since childhood.

He is known throughout the community for his resplendent appearance. When asked about it, his favorite expression is, ''I can't help that; I was born looking good.'' He attributes his longevity to a powerful faith in

God, along with "having a ball" with family and friends.

Madam Speaker, from his service in the U.S. Army to his life-long dedication to his community, our country, the State of Georgia, and the City of Columbus, Mr. Armster Hinton has led a life of purpose. He is a kind-hearted and compassionate man who upholds the true meaning of Christianity. Today I join Greater Saint Mark AME Church in honoring Mr. Hinton's longevity. May he continue to inspire generations to come.

HONORING CONGRESSMAN IKE SKELTON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Ms. BORDALLO. Madam Speaker, I rise today to recognize my good friend, Chairman IKE SKELTON of Missouri, for his many contributions and service to our country, the people of Missouri, my home district of Guam, and the United States House of Representatives.

Chairman SKELTON has represented the fourth district of Missouri in this body for thirty-four years, and he has been a champion of our country's armed forces. It is safe to say that if it were not for Chairman SKELTON, professional education in our military would be inadequate. Further, he has always been a champion of inter-service cooperation in our military and has worked to ensure successful implementation of the Goldwater-Nichols Act. He has been a member of the House Armed Services Committee since 1981 and consistently been an advocate for our men and women in uniform. He consistently worked in a bi-partisan fashion to use the annual defense authorization bill to take care of the pressing needs of our servicemembers.

In addition, Chairman SKELTON has been a tremendous partner and advocate for the people of Guam. He has worked closely with me to ensure that the military build-up on Guam is done right and is a win-win for our military and local community. He supported me in efforts to ensure that we have a robust statutory framework that ensure proper implementation and oversight of this strategically important undertaking. Without his understanding of our strategic importance and for his love of the people of Guam this would not have been possible.

It has been one of the greatest pleasures of serving in Congress to work with a man of such intellect, honor and passion. On behalf of the people of Guam, I extend a heartfelt Un dangkulo na Si Yu'os Ma'ase for his personal friendship, support of the people of Guam, and service to our Nation.

CONSIDERATION OF RANGEL CENSURE RESOLUTION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. DENT. Madam Speaker, as a member of the Ethics Committee, I have carefully reviewed evidence in the matter of Congressman RANGEL and believe the Committee's recommendation for censure is appropriate. While the censuring of a Member of Congress is a rare and significant action, I am confident this is the proper penalty for the House to impose on Mr. RANGEL, given the accumulation and totality of his offenses.

On November 16, a bipartisan adjudicatory subcommittee on which I served found 11 of the 13 counts Mr. RANGEL faced were supported by clear and convincing evidence. I believe the most egregious of these offenses included violating the Ethics in Government Act by submitting numerous inaccurate financial disclosure statements and violating the Code of Ethics for Government Service by running a campaign office from a property leased as a rent-stabilized residential apartment.

I also believe it is appropriate for Mr. RANGEL to provide restitution for his failure to pay taxes. As long time member and former Chairman of the House's tax-writing committee, Mr. RANGEL'S tax violations cannot be ignored.

Violations like those committed by Mr. RANGEL, individually and cumulatively, damage the public's trust in their elected officials and this institution. However, the House has the opportunity today to restore the American people's confidence in this body by illustrating that Members of Congress are accountable for their transgressions and will face appropriate penalties for their misconduct.

Madam Speaker, while this difficult occasion is by no means a pleasant duty for any of us, it is nonetheless a necessity. Therefore, we now must demonstrate our commitment to high ethical standards by voting to censure Congressman RANGEL.

TRIBUTE TO GENERAL CARROL H. CHANDLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 2, 2010

Mr. SKELTON. Madam Speaker, let me take this means to recognize and pay tribute to General Carrol H. Chandler for over 36 years of service and dedication to the United States Air Force. He currently serves as the Vice Chief of Staff of the Air Force, and will retire from active duty on March 1, 2011. He will be sorely missed.

A native of Carthage, Missouri, General Chandler graduated from the United States Air Force Academy in 1974. Following graduation, he earned his wings after attending Undergraduate Pilot Training at Laughlin Air Force Base. General Chandler later earned a masters degree in management, attended the Executive Program for General Officers at the John F. Kennedy School of Government at Harvard, and the Navy Senior Leader Business Course at the University of North Carolina at Chapel Hill.

A command pilot with more than 3,900 flying hours in the F–15, F–16, and T–38, General Chandler has commanded a major command, a numbered air force, two fighter wings, a support group and a fighter squadron—a true testament to his exceptional Airmanship, leadership, and judgment. His staff assignments include tours at Headquarters Pacific Air Forces, the Pentagon, Headquarters U.S. Pacific Command, Headquarters U.S. Military Training Mission in Saudi Arabia and Headquarters Allied Air Forces Southern Europe.

Throughout his career, General Chandler received many well-deserved awards and decorations, and his commitment and dedication to the mission of the Air Force will be remembered for many years to come.

Madam Speaker, General Chandler has distinguished himself during his career with the United States Air Force. I trust my fellow Members of the House will join me in wishing the very best to the good General; his wife Eva-Marie; and their three children, Carl, Rose-Marie, and Thomas.

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 101, Continuing Resolution.

Senate

Chamber Action

Routine Proceedings, pages S8357–S8444

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 4000–4005, and S. Res. 692–693. **Pages S8396–97**

Measures Reported:

Report to accompany S. 2802, to settle land claims within the Fort Hall Reservation. (S. Rept. No. 111–356)

S. 3817, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, with amendments. **Page S8396**

Measures Passed:

Continuing Resolution: Senate passed H.J. Res. 101, making further continuing appropriations for fiscal year 2011. **Page S8391**

Public Contracts: Committee on the Judiciary was discharged from further consideration of H.R. 1107, to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts'', and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S8441**

Durbin (for Sessions/Leahy) Amendment No. 4726, to improve the bill. **Pages S8441–43**

Marine Sgt. Jeremy E. Murray Post Office: Senate passed S. 3784, to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''. **Page S8443**

Sergeant Robert Barrett Post Office Building: Senate passed H.R. 5758, to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the ''Sergeant Robert Barrett Post Office Building''. **Page S8443**

Dorothy I. Height Post Office: Senate passed H.R. 6118, to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE., in Washington, D.C., as the ''Dorothy I. Height Post Office''. **Page S8443**

Tom Kongsgaard Post Office Building: Senate passed H.R. 6237, to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building''. **Page S8443**

Sam Sacco Post Office Building: Senate passed H.R. 6387, to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building''. **Page S8443**

United States-Republic of Korea Alliance: Senate agreed to S. Res. 693, condemning the attack by the Democratic People's Republic of Korea against the Republic of Korea, and affirming support for the United States-Republic of Korea alliance. **Pages S8443–44**

House Messages:

Airport and Airway Extension Act: Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, taking action on the following motions and amendments proposed thereto: **Pages S8391–92**

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4727 (to the House

amendment to the Senate amendment), to change the enactment date. **Page S8391**

Reid Amendment No. 4728 (to Amendment No. 4727), of a perfecting nature. **Page S8391**

Reid motion to refer the message of the House on the bill to the Committee on Finance, with instructions, Reid Amendment No. 4729, to provide for a study. **Page S8391**

Reid Amendment No. 4730 (the instructions) Amendment No. 4729), of a perfecting nature. **Page S8391**

Reid Amendment No. 4731 (to Amendment No. 4730), of a perfecting nature. **Pages S8391–92**

A motion was entered to close further debate on motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4727, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Saturday, December 4, 2010. **Page S8391**

A motion was entered to close further debate on the Reid Amendment No. 4728 (to Amendment No. 4727), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid Amendment No. 4727. **Page S8391**

Messages from the House: **Page S8395**

Measures Referred: **Page S8395**

Executive Communications: **Pages S8395–96**

Additional Cosponsors: **Page S8397**

Statements on Introduced Bills/Resolutions: **Pages S8397–S8401**

Additional Statements: **Pages S8393–95**

Amendments Submitted: **Pages S8401–41**

Authorities for Committees to Meet: **Page S8441**

Privileges of the Floor: **Page S8441**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:50 p.m., until 9:30 a.m. on Friday, December 3, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8444.)

Committee Meetings

(Committees not listed did not meet)

POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES

Committee on Armed Services: Committee held a hearing to examine the report of the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, "Policy Concerning Homosexuality in the Armed Forces", receiving testimony from Robert M. Gates, Secretary, Jeh Charles Johnson, General Counsel, and General Carter F. Ham, USA, Commander, United States Army Europe, both a Co-Chair, both of the Comprehensive Review Working Group, and Admiral Michael G. Mullen, USN, Chairman, Joint Chiefs of Staff, all of the Department of Defense.

Hearings continue on Friday, December 3, 2010.

CONSUMER PRODUCT SAFETY COMMISSION

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Protection, Product Safety, and Insurance concluded an oversight hearing to examine the Consumer Product Safety Commission, focusing on product safety in the holiday season, after receiving testimony from Inez Tenenbaum, Chairman, and Anne M. Northup, Commissioner, both of the United States Consumer Product Safety Commission; Rachel Weintraub, Consumer Federation of America, on behalf of Consumers Union, Kids in Danger, and the U.S. Public Interest Research Group, and H. Garry Gardner, American Academy of Pediatrics, both of Washington, D.C.; Stephen Lamar, American Apparel and Footwear Association (AAFA), Arlington, Virginia; and Jill Chuckas, Handmade Toy Alliance, Stamford, Connecticut.

EXAMINE INTERNATIONAL AVIATION SCREENING STANDARDS

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation Operations, Safety, and Security concluded a hearing to examine international aviation screening standards, after receiving testimony from David Heyman, Assistant Secretary for Policy, and Vicki Reeder, Director of Global Compliance, Transportation Security Administration, Office of Global Strategies, both of the Department of Homeland Security; Steve Lord, Director, Homeland Security and Justice Issues, Government Accountability Office; and Gregory Principato, Airports Council International—North America, Washington, D.C.

TAX REFORM

Committee on Finance: Committee concluded a hearing to examine tax reform, focusing on historical trends in income and revenue, after receiving testimony from Mark J. Mazur, Deputy Assistant Secretary of the Treasury for Tax Analysis; Douglas W. Elmendorf, Director, Congressional Budget Office; and Thomas A. Barthold, Chief of Staff, Joint Committee on Taxation, United States Congress.

UNITED STATES POSTAL SERVICE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine finding solutions to the challenges facing the United States Postal Service, after receiving testimony from Patrick R. Donahoe, Postmaster General/CEO-Designate, United States Postal Service; Ruth Y. Goldway, Chairman, Postal Regulatory Commission; Jonathan Foley, Director of Planning and Policy Analysis, Office of Personnel Management; Phillip Herr, Director, Physical Infrastructure Issues, Government Accountability Office; Fredric V. Rolando, National Association of Letter Carriers, AFL–CIO, Miami, Florida; Jerry Cerasale, Direct Marketing Association, Inc., Middletown, Connecticut, on behalf of the Affordable Mail Alliance; and Robert Rapoza, National Association of Postmasters of the United States, Honolulu, Hawaii.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 6473–6494; and 2 resolutions, H. Res. 1749–1750 were introduced. **Pages H8029–30**

Additional Cosponsors: **Pages H8030–31**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest chaplain, Reverend Doug Tanner, Faith and Politics Institute, Washington, DC. **Page H7857**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, November 30th:

Supporting the goals and ideals of National GEAR UP Day: H. Res. 1638, to support the goals and ideals of National GEAR UP Day, by a ⅔ recorded vote of 405 ayes with none voting "no", Roll No. 598; **Pages H7864–65**

Expressing support for the designation of the month of October as National Work and Family Month: H. Res. 1598, to express support for the designation of the month of October as National Work and Family Month, by a ⅔ recorded vote of 412 ayes with none voting "no", Roll No. 599; **Pages H7865–66**

Expressing the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established: H. Res. 1576, amended, to express the sense of the House of Representatives that a National Day of Recognition for Parents of Special Needs Children should be established, by a ⅔ recorded vote of 413 ayes with none voting "no", Roll No. 600; **Page H7866**

Expressing support for designation of May as "Child Advocacy Center Month" and commending the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010: H. Res. 1313, to express support for designation of May as "Child Advocacy Center Month" and to commend the National Child Advocacy Center in Huntsville, Alabama, on their 25th anniversary in 2010, by a ⅔ recorded vote of 413 ayes with none voting "no", Roll No. 605; **Page H7890**

Supporting the observance of American Diabetes Month: H. Res. 1690, amended, to support the observance of American Diabetes Month; **Page H7899**

Commercial Advertisement Loudness Mitigation Act: S. 2847, to regulate the volume of audio on commercials; **Page H7899**

Commending the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security: H. Res. 527, amended, to commend the NATO School for its critical support of North Atlantic Treaty Organization (NATO) efforts to promote global peace, stability, and security; **Page H7899**

Commending the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia: H. Res. 528, to commend the George C. Marshall European Center for Security Studies for its efforts to promote peace, stability and security throughout North America, Europe, and Eurasia; and **Page H7899**

Supporting the goals and ideals of National Homeless Persons' Memorial Day: H. Con. Res. 325, to support the goals and ideals of National Homeless Persons' Memorial Day. **Page H7899**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Airport and Airway Extension Act of 2010, Part IV: H.R. 6473, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend the airport improvement program and **Pages H7867–69**

Amending section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program: H.R. 6469, to amend section 17 of the Richard B. Russell National School Lunch Act to include a condition of receipt of funds under the child and adult care food program, by a ⅔ yea-and-nay vote of 416 yeas to 3 nays, Roll No. 601.

Pages H7869–74, H7887–88

Healthy, Hunger-Free Kids Act of 2010: The House passed S. 3307, to reauthorize child nutrition programs, by a recorded vote of 264 ayes to 157 noes, Roll No. 603. Consideration of the measure began on Wednesday, December 1st. **Pages H7888–89**

Rejected the Kline (MN) motion to recommit the bill to the Committee on Education and Labor with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 200 yeas to 221 nays, Roll No. 602. Consideration of the motion began on Wednesday, December 1st. **Page H7888**

H. Res. 1742, the rule providing for consideration of the bill, was agreed to on Wednesday, December 1st.

Middle Class Tax Relief Act of 2010: The House concurred in the Senate amendment to H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund and to amend title 49, United States Code, to extend authorizations for the airport improvement program, with the amendment printed in H. Rept. 111–671, by a yea-and-nay vote of 234 yeas to 188 nays, Roll No. 604.

Pages H7859–64, H7874–87, H7889–90

H. Res. 1745, the rule providing for consideration of the Senate amendment, was agreed to by a yea-and-nay vote of 213 yeas to 203 nays, Roll No. 597, after the previous question was ordered by a yea-and-nay vote of 224 yeas to 186 nays, Roll No. 596.

Pages H7859–64

In the matter of Representative Charles B. Rangel: The House agreed to H. Res. 1737, in the matter of Representative Charles B. Rangel, by a recorded vote of 333 ayes to 79 noes, Roll No. 607. Earlier, rejected the Butterfield amendment to the resolution by a recorded vote of 146 ayes to 267 noes, Roll No. 606. **Pages H7891–99**

Subsequently, Representative Rangel presented himself in the Well of the House for the reading of the provisions of H. Res. 1737 by the Speaker.

Page H7899

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, December 7th for morning hour debate. **Page H7900**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Oberstar wherein he transmitted copies of three resolutions for the U.S. Army Corps of Engineers adopted by the Committee on Transportation and Infrastructure on December 2, 2010. **Pages H7900–03**

Committee on Transportation and Infrastructure—Communication: Read a letter from Chairman Oberstar wherein he transmitted copies of 17 resolutions for the General Services Administration's FY 2011 Capital Investment and Leasing Program adopted by the Committee on Transportation and Infrastructure on December 2, 2010.

Pages H7904–H8014

Senate Message: Message received from the Senate today appears on page H7857.

Senate Referrals: S. 3998 was referred to the Committee on the Judiciary and S. 987 was referred to the Committee on Foreign Affairs. **Page H8028**

Quorum Calls—Votes: Five yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H7863–64, H7864, H7865, H7865–66, H7866, H7887–88, H7888, H7889, H7889–90, H7890, H7897–98, H7898. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:41 p.m.

Committee Meetings

TRACKING WEB ACTIVITIES

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection hearing on "'Do-Not-Track' Legislation: Is Now the Right Time?" Testimony was heard from Daniel Weitzner, Associate Administrator, Policy, National Telecommunications and Information Administration, Department of Commerce; David Vladeck, Director, Bureau of Consumer Protection, FTC; and public witnesses.

ZIMBABWE ISSUES

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Zimbabwe: From Crisis to Renewal. Testimony was heard from public witnesses.

FORECLOSURE CRISIS CAUSES/EFFECTS

Committee on the Judiciary: (Held a hearing on Foreclosed Justice: Causes and Effects of the Foreclosure Crisis. Testimony was heard from the following officials of the Department of the Treasury: Phyllis Caldwell, Chief of Homeownership Preservation Office; and Julie Williams, Chief Counsel, Office of the Comptroller of the Currency; Edward DeMarco, Acting Director, Federal Housing Finance Agency; and F. Dana Winslow, Justice of the Supreme Court, State of New York.

Hearings continue December 8.

MISCELLANEOUS RESOLUTIONS

Committee on Transportation and Infrastructure: Approved the following: GSA's Capital Investment and Leasing Program Resolutions; and U.S. Army Corps of Engineers Survey Resolutions.

BRIEFING—UPDATE ON NORTH KOREA

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Update on North Korea. The Committee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1120)*

H.R. 5712, The Physician Payment and Therapy Relief Act of 2010. Signed on November 30, 2010. (Public Law 111–286)

S. 1376, International Adoption Simplification Act. Signed on November 30, 2010. (Public Law 111–287)

S. 3567, to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''. Signed on November 30, 2010. (Public Law 111–288)

S.J. Res. 40, appointing the day for the convening of the first session of the One Hundred Twelfth Congress. Signed on November 30, 2010. (Public Law 111–289)

COMMITTEE MEETINGS FOR FRIDAY, DECEMBER 3, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: To continue hearings to examine the report of the Department of Defense Working Group that conducted a comprehensive review of the issues associated with a repeal of section 654 of title 10, United States Code, ''Policy Concerning Homosexuality in the Armed Forces'', 9 a.m., SD–G50.

House

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on Civil Liberties and National Security, 10 a.m., 2141 Rayburn.

Joint Meetings

Joint Economic Committee: To hold hearings to examine the employment situation for November 2010, 9:30 a.m., SH–216.

Next Meeting of the SENATE

9:30 a.m., Friday, December 3

Senate Chamber

Program for Friday: Senate will be in a period of morning business.

Next Meeting of the HOUSE OF REPRESENTATIVES

4 p.m., Friday, December 3

House Chamber

Program for Friday: The House will meet in pro forma session at 4 p.m.

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