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House of Representatives

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

PRAYER

Reverend Herbert Brooks, Jr., St. John Missionary Baptist Church, Joliet, Illinois, offered the following prayer:

Our Heavenly Father and Creator, we acknowledge Your presence and power on this day.

Today, Lord, we ask for Your blessings upon this House of government and remind us of Your Words, ''the government shall be upon His shoulder.'' We humbly ask, Lord, to guide them, direct them, rest Your spirit upon their shoulders during this decision-making time.

We ask, Lord, You endow them with the ability to make the right decisions that is pleasing to our Lord and to all mankind. Keep every Representative of this great country strong, a sound mind and a willing heart to continue to serve. Protect those that are protecting us, Lord, as we ask You to be our heavenly Protector.

Bless the staff, as well as the families of this House of Representatives. Fill us all with Your brotherly love, Your ''one accord spirit,'' and Your peace. We pray all this in Your precious name. 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 Missouri (Mr. CLEAVER) come forward and lead the House in the Pledge of Allegiance.

Mr. CLEAVER 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.

WELCOMING REV. HERBERT BROOKS, JR.

The SPEAKER. Without objection, the gentlewoman from Illinois (Mrs. HALVORSON) is recognized for 1 minute.

There was no objection.

Mrs. HALVORSON. Madam Speaker, I rise today with great pride to introduce Pastor Herb Brooks, who kindly delivered this morning's opening prayer. Herb Brooks is not just the pastor at St. John Baptist Church in Joliet, Illinois. He is a husband to wife Gwen, and a proud father and grandfather.

He serves as a member of the Will County Board, where he represents his constituents with passion, integrity, and intelligence. And he has been an outspoken advocate for civil rights and the need for better health care in our community. It is all of these reasons why he is considered a true leader in our district, and why I have invited him here today to continue this great tradition.

Pastor Brooks embodies the spirit and pride that defines our community, and I could not think of anyone better to represent our district during the opening prayer. I thank him for being here, and I am so proud to introduce him.

□ 1010

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minutes on each side of the aisle.

THE STATE OF THE HOUSE TODAY

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

Mr. CLEAVER. Madam Speaker, I came to the floor today to talk about Social Security, but having spent most of last evening watching the news on a variety of stations and reading several newspapers this morning, I decided I just wanted to speak about what I am seeing.

This body has gone from ''states craft'' to demagoguery and witchcraft. The Hill has become a sick setting for everything wrong and ugly about politics. We're not about a way to fix. We're about pure nasty politics. We can be partisan without being poisonous.

And when I look back at our young pages, young Americans who are gifted, I cannot help but wonder whether we are teaching them through our actions to become peace sowers or bomb throwers. We make the choice.

We can be partisan without being poisonous, and on this day, July 21, 2010, we are poisonous.

AMERICA COMPETES FOR JOBS

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

Mr. PITTS. Mr. Speaker, the United States competes on a global level for businesses and jobs, and when international investors look at our Nation, they have some concerns about the future.

Our country has the second highest corporate income tax rate in the industrialized world; and come January 1, we will see the largest tax increase in our Nation's history as the 2001 and 2003 tax cuts, all taxes, snap back to the old higher levels. There's uncertainty with on-again/off-again tax cuts and increases.

Starting today, our financial regulatory agencies will write hundreds of new rules governing investment. And

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we're now completely remaking our health care system with extensive government oversight, taxes, and thousands of pages of new regulations.

With all of these things together, it's perfectly understandable why we have weak job growth. Uncertainty about the United States business climate is directly caused by what Congress is doing to the American economy. We need to stop harming our economy with new taxes and complicated regulations and opportunity for new litigation and, instead, free American entrepreneurs and businesses to be able to compete on a global level to create jobs.

HONORING DR. PAM CARBEANER

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

Ms. KOSMAS. Mr. Speaker, it is my distinct honor and privilege today to recognize on the floor of the United States House of Representatives Dr. Pam Carbeaner for her extensive community service and her spirit of volunteerism.

Dr. Carbeaner has dedicated her life's work to helping people in need. She's had a particular focus on women and children, and she has dedicated her energies to a wide range of causes including eating disorders, children's advocacy, sexual assault, and maternal health.

Additionally, she has served the public with her expertise on the Halifax Health Board of Commissioners, which is the governing body of the area's largest health service providers. Dr. Carbeaner currently practices medicine at Halifax OB/GYN Associates in Daytona Beach, Florida, and she resides in Ormond Beach with her husband, Frank, and their three wonderful children, Sarah, Charlie, and Katie.

Today I would like to officially thank Dr. Carbeaner for her tireless work and her dedication to the health, wellbeing, safety, and care not only of her patients but also to the countless citizens who her volunteerism has served. She is recognized as an accomplished and outstanding community leader for the greater Halifax region of central Florida.

Thank you, Dr. Carbeaner.

HONORING MITCH MENLOVE

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

Mr. FLAKE. Mr. Speaker, just days ago the State of Arizona lost a kind and gentle sole when Mitch Menlove passed away at the tender age of 36.

Mitch leaves behind a record of honor and integrity among those he worked with in a successful career in public affairs. He leaves behind a rich heritage of service in his church and his community.

Most important by far, however, is the legacy Mitch built, a legacy that will continue for generations to come with his wife Elizabeth, his children Max, Morgan, and Makenna, and a fourth child, Mitchell Kent, Jr., who will be born any day now.

Just hours before Mitch passed from this life, he climbed Arizona's highest peak. He stands even higher today.

Those of us who are left momentarily behind will be forever grateful for the exemplary life he lived, the service he rendered, and for the wonderful family that will carry on his legacy.

PRESIDENTIAL ACCOMPLISHMENTS

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

Mr. BACA. Today when President Obama signs into law sweeping Wall Street reform, it will mark another important change—I state, another important change—from the failed Republican policies of the past.

The irresponsible policies of the Bush administration and the Republican Congress cost us 8 million jobs. Thankfully, this new financial reform puts us on a path of restoring accountability to our financial system and ending the era of tax-funded bailouts.

President Obama and the congressional Democrats have fought to move America forward. We have enacted significant new laws to create new jobs and increase small business lending, end pay discrimination in the workplace, extend Medicare sovereignty, and make college education more affordable.

Unfortunately, my Republican colleagues continue to support policies that will ship jobs overseas, privatize Social Security, and dismantle Medicare. We can no longer afford the policies of the past. We must continue to work with our President and move America forward.

NINE COUNTRIES VERSUS ARIZONA

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

Mr. POE of Texas. Mr. Speaker, seven more countries now join Mexico and the United States to sue the State of Arizona. They are Nicaragua, El Salvador, Colombia, Peru, Bolivia, Paraguay and Guatemala. Not exactly all champions of human or civil rights.

They say their illegals in Arizona might be mistreated if Arizona enforces Federal law. But here's the real kicker: our own State Department has sided with these other nations against the American people. It has filed a declaration in the lawsuit saying the Arizona law is causing an international incident and hurting foreign policy. Now it's nine countries versus Arizona.

The nerve of our government to side with foreign powers and sue American people. Foreign countries have no business meddling in and dictating American national security. Our government is on the wrong side. It should support and defend the Constitution and the people of Arizona. It should not be siding with nations that have illegals in our country.

It's nine countries versus Arizona. I cast my lot with the people of Arizona.

And that's just the way it is.

CUBA'S ELECTION TO U.N. HUMAN RIGHTS COUNCIL

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

Mr. SIRES. Mr. Speaker, I am outraged by the persistent failure of the United Nations Human Rights Council to fulfill its responsibilities to promote and protect human rights. The U.N. Human Rights Council has consistently targeted Israel and recently displayed a flagrant disregard for a strong human rights agenda with the election of the Cuban ambassador as vice president of the council.

The State Department 2009 report on human rights described Cuba as a totalitarian state that continues to deny its citizens their basic human rights and commits numerous and serious abuses. It is appalling that a country with such a poor human rights record has been elected as a leader of a body to create, to protect, and promote universal human rights.

While these election results are absurd, they are reflective of a larger problem—the overall state of the U.N. Human Rights Council. The council doesn't need to improve its record on protecting human rights; it needs to reverse its record. If the council continues to ignore its own members' egregious human rights records and persists in its anti-Israel campaign, then maybe the United States should move its funds and participate elsewhere.

TRIBUTE TO CORPORAL LARRY D. HARRIS, JR., USMC

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

Mr. COFFMAN of Colorado. Mr. Speaker, I rise to pay tribute to a hero: United States Marine Corps Corporal Larry D. Harris, Jr., of Thornton, Colorado.

Corporal Harris, a Marine Corps veteran of Iraq and Afghanistan, graduated in 2003 from Boulder High School where he played football and ran track. He loved being an infantry marine on the front lines.

Corporal Larry Harris displayed heroism and service to others both overseas and at home. He was awarded the Navy and Marine Corps Achievement Medal for helping civilians severely injured in an automobile accident near Camp Pendleton.

On July 1, 2010, while on patrol in Helmand province in Afghanistan, another marine was shot in the leg. Picking up his fellow wounded marine to

carry him to safety, Corporal Harris tripped an explosive device, absorbing the blast. Though he died in the explosion, his effort saved the life of the wounded marine.

Corporal Harris is a shining example of the Marine Corps' service and sacrifice. As a Marine Corps veteran, my deepest sympathies go out to his family and to all who knew him.

□ 1020

JOBS

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

Ms. EDWARDS of Maryland. Mr. Speaker, day after day my Republican colleagues stand in the well of this Chamber blaming Democrats for failing to create jobs. As a Democrat who voted time and time again in this House of Representatives to create jobs for working families, I am shocked.

Right now, and today, Senate Republicans are blocking the passage of five critical bills that would create at least 1.5 million jobs for the American people, and House Republicans, after not having cast votes for these bills, have the audacity to accuse Democrats of not doing enough to create jobs? Shame on them.

I urge Republican Senators to vote for the America COMPETES Act, the Small Business Jobs and Credit Act, the Jobs for Main Street Act, and the Small Business and Infrastructure Act to provide desperately needed jobs. If they're serious about creating jobs, then they will urge their Senate Republicans to take immediate action and pass these bills.

Senate Republicans, it's payday for the American workers. It's time to write a check to the American people and finish the job that the House started.

CONGRATULATING FORMER SHREVEPORT POLICE CHIEF HENRY WHITEHORN

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

Mr. FLEMING. Mr. Speaker, I rise today to congratulate former Shreveport Police Chief Henry Whitehorn on being sworn in as the United States marshal for the Western District of Louisiana. Prior to becoming the first African American police chief in Shreveport's history, Marshal Whitehorn served 29 years in the Louisiana State Police, eventually becoming appointed to the posts of deputy secretary for Public Safety Services and Louisiana State Police Superintendent by Governor Kathleen Blanco. Marshal Whitehorn also served 4 years as a sergeant in the United States Air Force.

I thank Marshal Whitehorn for his many years of public service and wish him the best as he continues to serve the people of Louisiana in this new position.

WALL STREET REFORM

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

Ms. KILROY. Mr. Speaker, today our President signs the Frank-Dodd Act, the Wall Street reform bill. I was very proud to be able to serve on the Financial Services Committee and conference to help craft a bill and to stand with the people of Main Street, to stand with the regular people of our community against the special interests that have had too much power in Washington. We were able to put in place a bill that has a real watchdog with teeth, to protect our consumers and our country, to protect American savings and pensions and investments, and be on the lookout for those unscrupulous financial practices that can hurt our economy. It has a consumer protection bureau. It has an early warning system and a plan so that any future failing institution will not be bailed out at taxpayer expense. Taxpayers will no longer be on the hook or be forced to deal with something that's called too big to fail. It puts an end to TARP. It brings transparency to the market, and because of this bill Wall Street will no longer be able to act like a casino that will do such damage to our economy again.

STATE JOBS NUMBERS

(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, the new State job numbers confirm that 47 States are suffering since the so-called stimulus bill passed while D.C. bureaucrats are benefiting from increasing jobs. The Politico reported on such a discrepancy in an article titled, ''Reality gap: U.S. struggles, D.C. booms.''

The article says, ''America is struggling with a sputtering economy and high unemployment, but times are booming for Washington's governing class.

''The massive expansion of government under President Barack Obama has basically guaranteed a robust job market for policy professionals, regulators and contractors for years to come. The housing market, boosted by the large number of high-income earners in the area, many working in politics and government, is easily outpacing the markets in most of the country.''

The American people want Congress to focus on small business job growth instead of spending more of the people's money to create more government jobs. Americans understand TEA, Taxed Enough Already.

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

SOCIAL SECURITY

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

Mr. HIMES. Mr. Speaker, as we approach the 75th anniversary of the Social Security program, two things are very clear. First, the program which keeps fully half of our seniors from living in poverty must be preserved and sustained for the long run. Second, preservation of Social Security must not, cannot mean increasing the risk that we ask our seniors to take.

Already, just a year or two after financial disaster obliterated $17 trillion of American household wealth, we hear the proposals of privatization, of turning Social Security money over to the vagaries of the market. Mr. Speaker, could you imagine if that monthly Social Security check that 50 million Americans get was hammered the way retirement accounts have been hammered?

Every American who can should have private accounts that they fund with their savings. They shouldn't just rely on Social Security. But when things go wrong, they need to be able to rely on that Social Security with no risk that it disappears.

MARIJUANA ON PUBLIC LANDS

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

Mr. HERGER. Mr. Speaker, the Federal Government must do more to dismantle Mexican drug trafficking organizations operating marijuana plantations on our Nation's Federal lands. This is a severe and growing problem in the northern California congressional district I represent. These traffickers pose a threat to the visitors of the national parks and forests, and local law enforcement, and the Federal Government is fundamentally responsible for addressing it. I have introduced a resolution that I hope will garner sufficient support to focus more attention and begin a process of greater cooperation and coordination among the agencies responsible for protecting our Federal lands and the citizens who want to enjoy them.

Mr. Speaker, it's essential that we stay focused on addressing this important issue.

HONORING THE LIFE OF NICKY DANIEL BACON

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

Mr. SNYDER. With the death of Nick Bacon from cancer, Arkansas and

America have lost a hero, a Vietnam veteran and Army retiree, and a Medal of Honor winner. Yet for those of us who knew Nick, mostly we have lost a friend.

Advocacy for veterans was his life's work: touching the lives of military families by helping them with a problem; touching the life of Arkansas by participating in so many public events honoring our military.

The last time I talked with Nick he was working on some end-of-life financial issues, but in his matter of fact blunt way he said, But other than that I'm good to go. But other than that I'm good to go.

Nick Bacon is now gone, and we will miss him. Our condolences and gratitude go to his wife, Tamera, his six children, his grandchildren, and his brothers and sisters.

□ 1030

ENCOURAGE INVESTMENT AND CREATE JOBS

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

Mr. REICHERT. Mr. Speaker, the American people are sick and tired of broken government. They are sick and tired of business as usual, which means no business at all. No business at all means no jobs.

And why are there no jobs? Business is being taxed to the max. Government borrows like there is no tomorrow. Government spends to the end, the end of American ingenuity, the end of American business.

Here is what we need to do. Don't raise the capital gains tax. Don't increase taxes on families and small businesses. Hey, I know, let's repeal the estate tax. What about make the R&D tax a permanent tax credit? Allow small businesses to deduct the cost of expensive machinery.

I mean, there are ideas after ideas after ideas about what we can do to make this country grow. How about this, Mr. Speaker? Have a little faith in the American people.

REPEAL DON'T ASK, DON'T TELL

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

Mr. QUIGLEY. Mr. Speaker, I rise today to reaffirm my commitment to an immediate repeal of Don't Ask, Don't Tell.

I applaud the Department of Defense for initiating a plan, but I remain deeply disappointed that instead of moving forward immediately, we are on hold. We are spending millions on a 32-page survey asking servicemembers how they feel about the repeal when polls show that this is unnecessary.

What's worse, as a country founded on liberty and equality, we are denying basic human rights to some of our brave men and women who are defending those very principles. And, unlike more than 25 of our allies, including every original NATO signatory other than the U.S. and Turkey, we have not ended discrimination.

Experts say what is needed is not a study but, rather, a quick and authoritative top-down repeal. Our military leaders must act now before our pace destroys our mission.

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, when the clock strikes midnight on December 21, 2010, a $3.8 trillion Democrat tax increase will ring in the new year.

The Democrats' ticking tax bomb means all tax-paying Americans will face higher taxes starting on January 1. For married couples, get ready to give up date nights in order to pay the tax penalty for I saying ''I do.'' For families with children, get ready to give up the family summer vacation so that you can fork over to Uncle Sam an extra $500 per kid.

For already struggling small business owners, get ready to share more of your hard-earned profits with Uncle Sam, hard-earned profits that could be used to hire new workers. The American people want, need, and deserve better than the Democrats' massive tax hikes to pay for their Big Government agenda.

Let's stop the big tax increase and protect America's future.

WHEN REPUBLICANS WERE IN CONTROL, THEY DIDN'T PAY FOR ANYTHING

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

Mr. YARMUTH. Mr. Speaker, Sunday on ''Meet the Press,'' the chairman of the National Republican Congressional Committee, Mr. SESSIONS of Texas, said that if the Republicans took over the House next Congress, that we could count on the exact same agenda that we had under the Bush administration.

Now, you know, there is some good news and bad news to that. The good news is we wouldn't have to fight about extending desperately needed unemployment insurance benefits to American citizens, because when the Republicans were in control they didn't pay for anything—not for two wars, not for a massive tax cut for the rich, and certainly not for a massive prescription drug program.

Of course, the bad news is that we would be once again turning the country over to big banks and big insurance companies and Big Oil because, as Minority Leader BOEHNER said, he is for a moratorium on regulation in this country.

No. I know the Republicans would like the American people to get collective amnesia this fall, but they remember, just like the elephants. They remember the Bush agenda, and they don't want that exact same agenda repeated in the 112th Congress.

AMERICAN PEOPLE WANT LESS GOVERNMENT AND MORE RESPONSIBILITY

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

Mr. BURTON of Indiana. Mr. Speaker, out on the plaza a few minutes ago, the new Tea Party Caucus met with a bunch of Tea Party members from across the country.

I have heard a lot of my colleagues and people across the country and in the media criticize the Tea Party as being racist and a whole host of other things. But when we were out there and met with these people, we found African Americans. We found Hispanics. We found people from all ethnic groups out there saying very clearly they want less government spending, less government regulation, lower taxes, and the things that everybody believes in this country, and better and closer constitutional government. That's what the Tea Party is all about, and we are here in the Tea Party Caucus not to tell them anything but to listen to them, because they are speaking from the heart for the American people.

It's time that people realize on both sides of the aisle that the Tea Party movement is not something that's just not really speaking for the American people. These are people from all across the country that want Congress and the American Government to know that they want less government and more responsibility.

FINANCIAL RISKS

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

Ms. SPEIER. Mr. Speaker, 3 years ago Professor Elizabeth Warren warned about the financial risks associated with subprime and no doc mortgages and the shell games that were being masked as risk-free investments.

She said that consumers can't buy a toaster that has a 1-in-5 chance of bursting into flames, but they can enter into a mortgage that has the same 1-in-5 chance of putting them out on the street. In the end, she told us what would happen, and it did.

But Professor Warren didn't just limit herself to warnings. She laid out the foundation of what would soon become the Consumer Financial Protection Bureau. With the President's signing of the Wall Street reform today, the time has finally come to appoint a director to this new bureau. We need a proven fighter at the helm with a

strong record of being tireless, independent, and willing to speak out for consumers when others won't.

She is the best choice for the job. I urge the President to appoint Elizabeth Warren to the post.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PASTOR of Arizona). 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.

UNITED STATES MANUFACTURING ENHANCEMENT ACT OF 2010

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4380) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4380

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Manufacturing Enhancement Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Reference.

TITLE I—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1004. Certain reusable grocery bags.
Sec. 1009. Epilink 701.
Sec. 1011. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning.
Sec. 1012. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning.
Sec. 1013. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, containing at least 85 percent by weight of acrylonitrile units.
Sec. 1014. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, not dyed or pigmented.
Sec. 1015. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, raw white (undyed).
Sec. 1016. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, containing at least 85 percent by weight of acrylonitrile units.
Sec. 1017. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, not pigmented.
Sec. 1020. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, containing 2 percent or more but not over 3 percent of water.
Sec. 1021. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, not pigmented.
Sec. 1022. Acrylic or modacrylic synthetic filament tow.
Sec. 1023. Acrylic or modacrylic synthetic filament tow, containing 2 percent or more but not over 3 percent of water.
Sec. 1024. Acrylic or modacrylic synthetic filament tow containing 85 percent or more by weight of acrylonitrile units.
Sec. 1025. Acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning, raw white (undyed).
Sec. 1026. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning, containing 85 percent or more of acrylonitrile units.
Sec. 1027. Certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning containing 2 percent or more but not over 3 percent of water.
Sec. 1028. MDA50.
Sec. 1029. Nourybond 276 Modifier.
Sec. 1030. Polycaprolactone Diol #1.
Sec. 1032. Certain acrylic synthetic staple fiber.
Sec. 1033. Certain acrylic synthetic staple fiber, containing by weight 92 percent or more of polyacrylonitrile.
Sec. 1034. Certain acrylic synthetic staple fiber dyed but not carded, combed for spinning.
Sec. 1035. Certain acrylic staple fiber.
Sec. 1037. ε-Caprolactone-2-ethyl-2-(hydroxymethyl)-1,3-propanediol polymer.
Sec. 1038. ε-Caprolactone-neopentylglycol copolymer.
Sec. 1041. Cetalox.
Sec. 1049. Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine.
Sec. 1052. Ortho-Nitro-Phenol.
Sec. 1053. Certain acrylic synthetic staple fiber, containing 2 percent or more but not over 8 percent of water.
Sec. 1054. Certain acrylic synthetic staple fiber, containing not more than 0.01 percent of zinc.
Sec. 1062. 3-Chloro-2-methylphenyl methyl sulfide.
Sec. 1065. 1,3-Dimethyl-1H-pyrazol-5-ol and 1,3-Dimethyl-5-pyrazolone.
Sec. 1067. Neodymium oxide.
Sec. 1068. DMDPA.
Sec. 1070. Certain air pressure distillation columns.
Sec. 1071. nPBAL.
Sec. 1072. Primid XL–552.
Sec. 1074. Certain imaging colorants.
Sec. 1075. Certain imaging colorants of fast yellow, cyan, fast black, and magenta.
Sec. 1076. Copper oxychloride and copper hydroxide.
Sec. 1079. DCDNBTF Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl).
Sec. 1080. Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazline) and application adjuvants.
Sec. 1081. Mixtures containing n-butyl-1,2-benzisothiazolin-3-one, 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) and application adjuvants.
Sec. 1089. Bis(4-t-butylcyclohexyl) peroxydicarbonate.
Sec. 1091. Didecanoyl Peroxide.
Sec. 1093. Glycerol ester of dimerized gum.
Sec. 1097. Mixtures containing Fenoxaprop-p-ethyl, Pyrasulfotole, Bromoxynil octanoate, and Bromoxynil heptanoate.
Sec. 1110. Dry adhesive copolyamide pellets.
Sec. 1113. Corvus herbicide.
Sec. 1114. Evergol.
Sec. 1115. Liberty, Rely, and Ignite herbicides.
Sec. 1126. Cyclopropylaminonicotinic acid.
Sec. 1127. Grilbond IL 6–50%F.
Sec. 1128. Primid QM–1260.
Sec. 1136. 1-Chloro-2-chloromethyl-3-fluorobenzene.
Sec. 1142. Dimerized gum.
Sec. 1149. Pyrasulfotole.
Sec. 1151. Helional.
Sec. 1160. Over-the-range microwaves.
Sec. 1162. Porous hollow fibers.
Sec. 1163. Cellular plastic sheets for filters.
Sec. 1164. Certain Woven Mesh for Use in Filters.
Sec. 1165. Plastic fittings of perfluoroalkoxy.
Sec. 1167. 2-Hydroxypropylmethyl cellulose.
Sec. 1170. Mixtures containing 2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide.
Sec. 1174. N-phenyl-p-phenylenediamine.
Sec. 1176. Dilauroyl peroxide.
Sec. 1181. 4-Chloro-3,5-dinitro-α,α,α-trifluorotoluene.
Sec. 1187. AE 0172747 Ether.
Sec. 1191. Yarn of carded hair of Kashmir (cashmere) goats, of yarn count less than 19.35 metric, not put up for retail sale.
Sec. 1192. Yarn of carded camel hair.
Sec. 1200. Certain laundry work surfaces.
Sec. 1203. Certain mixtures of perfluorocarbons.
Sec. 1204. Certain perfluorocarbon morpholines.
Sec. 1205. Certain perfluoroamines.
Sec. 1206. Certain perfluoroalkanes.
Sec. 1207. Perfluorobutanesulfonyl fluoride.
Sec. 1209. Grilamid TR 90.
Sec. 1210. Stainless steel single-piece exhaust gas manifolds.
Sec. 1211. Effective date.

TITLE II—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 2001. Extension of certain existing duty suspensions and reductions and other modifications.
Sec. 2002. Effective date.

TITLE III—ADDITIONAL EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 3001. Extensions of certain existing duty suspensions and reductions and other modifications.
Sec. 3002. Effective date.

TITLE IV—CUSTOMS USER FEES; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES; PAYGO COMPLIANCE

Sec. 4001. Customs user fees.
Sec. 4002. Time for payment of corporate estimated taxes.
Sec. 4003. PAYGO compliance.

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

TITLE I—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1004. CERTAIN REUSABLE GROCERY BAGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.01	Shopping bags with an outer surface of spun bonded polypropylene fabric or nonwoven polypropylene fabric (provided for in subheading 4202.92.30)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1009. EPILINK 701.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.02	Aqueous emulsion of a modified aliphatic amine mixture of: decanedioic acid, compounds with 1,3- benzenedimethanamine-bisphenol A-bisphenol A diglycidyl ether-diethylenetriamine glycidyl phenyl ether reaction product- epichlorohydrin- formaldehyde- propylene oxide-triethylenetetramine polymer (provided for in subheading 3911.90.45)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1011. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.03	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1012. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.04	Acrylic staple fibers (polyacrylonitrile staple) containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 3.0 (plus or minus 10 percent) and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1013. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING AT LEAST 85 PERCENT BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.05	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 1.9 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1014. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, NOT DYED OR PIGMENTED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.06	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not more than 3 percent of water, not dyed or pigmented (ecru), crimped, with an average decitex of 1.9 (plus or minus 10 percent) and fiber length of 51 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1015. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, RAW WHITE (UNDYED).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.07	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not more than 3 percent of water, raw white (undyed), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1016. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING AT LEAST 85 PERCENT BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is is amended by inserting in numerical sequence the following new heading:

''	9902.40.08	Acrylic staple fibers containing at least 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 1.3 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1017. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, NOT PIGMENTED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.09	Modacrylic staple fibers containing 35 percent or more but not over 85 percent by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1020. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING 2 PERCENT OR MORE BUT NOT OVER 3 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.10	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 45 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1021. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, NOT PIGMENTED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.11	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, not pigmented (ecru), crimped, with an average decitex of 1.3 (plus or minus 10 percent) and fiber length of 40 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1022. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.12	Acrylic filament tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 4.1 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle from 660,000 to 1,200,000 decitex, with a length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1023. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW, CONTAINING 2 PERCENT OR MORE BUT NOT OVER 3 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.13	Acrylic filament tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 2.2 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than two meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1024. ACRYLIC OR MODACRYLIC SYNTHETIC FILAMENT TOW CONTAINING 85 PERCENT OR MORE BY WEIGHT OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.14	Acrylic fiber tow containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 3.3 (plus or minus 10 percent) and an aggregate filament measure in the tow bundle between 660,000 and 1,200,000 decitex, with a length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1025. ACRYLIC OR MODACRYLIC SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, RAW WHITE (UNDYED).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.15	Acrylic staple fibers containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, raw white (undyed), crimped, with an average decitex of 1.1 (plus or minus 10 percent) and fiber length of 38 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1026. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING, CONTAINING 85 PERCENT OR MORE OF ACRYLONITRILE UNITS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.16	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, non-pigmented (ecru), crimped, with an average decitex of 2.2 (plus or minus 10 percent), and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1027. CERTAIN SYNTHETIC STAPLE FIBERS THAT ARE NOT CARDED, COMBED, OR OTHERWISE PROCESSED FOR SPINNING CONTAINING 2 PERCENT OR MORE BUT NOT OVER 3 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.17	Acrylic staple fibers (polyacrylonitrile staple) containing 85 percent or more by weight of acrylonitrile units and 2 percent or more but not over 3 percent of water, colored, crimped, with an average decitex of 2.2 (plus or minus 10 percent) and fiber length of 50 mm (plus or minus 10 percent) (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1028. MDA50.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.18	Mixtures of formaldehyde polymers with aniline (CAS No. 25214–70–4) and with 4,4′-methylendianiline (CAS No. 101–77–9) (provided for in subheading 3909.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1029. NOURYBOND 276 MODIFIER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.19	Mixtures of alkene polymers with maleic anhydride, 2-(1-piperazinyl) ethylimides, diisononyl phthalate (CAS No. 28553–12–0) and bis(1-methylethyl)-naphthalene (CAS No. 38640–62–9) (provided for in subheading 3908.90.70)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1030. POLYCAPROLACTONE DIOL #1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.20	Caprolactone- diethylene glycol copolymer (CAS No. 75035–33–5) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1032. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.21	Acrylic filament tow (polyacrylonitrile tow) containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, imported in the form of 8 sub-bundles crimped together, each containing 24,000 filaments (plus or minus 10 percent) with an average decitex of 4.0 to 5.6 (plus or minus 10 percent) and length greater than 2 meters (provided for in subheading 5501.30.00)	1.2%	No change	No change	On or before 12/31/2012	''.

SEC. 1033. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER, CONTAINING BY WEIGHT 92 PERCENT OR MORE OF POLYACRYLONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.22	Acrylic filament tow (polyacrylonitrile tow) containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, imported in the form of bundles of crimped product each containing 214,000 filaments (plus or minus 10 percent) with an average decitex of 4.0 to 5.6 decitex (plus or minus 10 percent) and length greater than 2 meters (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1034. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER DYED BUT NOT CARDED, COMBED FOR SPINNING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.23	Acrylic staple fibers (polyacrylonitrile staple), dyed but not carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, the foregoing with a decitex of 4.0 to 6.7 (plus or minus 10 percent), with a fiber shrinkage of from 0 to 22 percent (plus or minus 10 percent), and with a cut fiber length of 100 mm to 135 mm and a target length of 120 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1035. CERTAIN ACRYLIC STAPLE FIBER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.24	Acrylic staple fibers (polyacrylonitrile staple), not dyed and not carded, combed or otherwise processed for spinning, containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, the foregoing with a decitex of 4.0 to 6.7 (plus or minus 10 percent), with a fiber shrinkage of 0 to 22 percent (plus or minus 10 percent) and with a cut fiber length of 89 mm to 140 mm and a target length of 115 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1037. ε-CAPROLACTONE-2-ETHYL-2-(HYDROXYMETHYL)-1,3-PROPANEDIOL POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.25	ε-Caprolactone-2-ethyl-2-(hydroxymethyl)-1,3-propanediol polymer (CAS No. 37625–56–2) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1038. ε-CAPROLACTONE-NEOPENTYLGLYCOL COPOLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.26	ε-Caprolactone-neopentylglycol copolymer (CAS No. 69089–45–8) (provided for in subheading 3907.99.01)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1041. CETALOX.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.27	Dodecahydro-3a,6,6,9a-tetramethylnaphtho(2,1-b)furan (CAS No. 3738–00–9) (provided for in subheading 2932.99.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1049. PROPANOIC ACID, 3-HYDROXY-2-(HYDROXYMETHYL)-2-METHYL-, POLYMERS WITH 5-ISOCYANATO-1-(ISOCYANATOMETHYL)-1,3,3-TRIMETHYLCYCLOHEXANE AND REDUCED METHYL ESTERS OF REDUCED POLYMERIZED, OXIDIZED TETRAFLUOROETHYLENE, COMPOUNDS WITH TRIMETHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.28	Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-, methyl polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine (CAS No. 328389–91–9) (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1052. ORTHO-NITRO-PHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.29	2-Nitrophenol (o-nitrophenol) (CAS No. 88–75–5) (provided for in subheading 2908.99.25)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1053. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER, CONTAINING 2 PERCENT OR MORE BUT NOT OVER 8 PERCENT OF WATER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.30	Acrylic staple fiber (polyacrylonitrile staple), dyed, not carded, combed or otherwise processed for spinning, the foregoing containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, with a decitex of 4.0 to 6.7 (plus or minus 10 percent), a fiber shrinkage of from 0 to 22 percent (plus or minus 10 percent) and a cut fiber length of 89 to 140 mm, with a target length of 115 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1054. CERTAIN ACRYLIC SYNTHETIC STAPLE FIBER, CONTAINING NOT MORE THAN 0.01 PERCENT OF ZINC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.31	Acrylic staple fiber (polyacrylonitrile staple), not dyed, not carded, combed or otherwise processed for spinning, the foregoing containing by weight 92 percent or more of polyacrylonitrile, not more than 0.01 percent of zinc and 2 percent or more but not over 8 percent of water, with a decitex of 4.0 to 6.7 (plus or minus 10 percent), with a fiber shrinkage of from 0 to 22 percent (plus or minus 10 percent) and a cut fiber length of 100 mm to 135 mm, with a target length of 120 mm (provided for in subheading 5503.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1062. 3-CHLORO-2-METHYLPHENYL METHYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.32	3-Chloro-2-methylphenyl methyl sulfide (CAS No. 82961–52–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1065. 1,3-DIMETHYL-1H-PYRAZOL-5-OL AND 1,3-DIMETHYL-5-PYRAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.33	1,3-Dimethyl-1H-pyrazol-5-ol (CAS No. 5203–77–0) and 1,3-dimethyl-5-pyrazolone (CAS No. 2749–59–9) (provided for in subheading 2933.19.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1067. NEODYMIUM OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.34	Neodymium oxide (CAS No. 1313–97–9) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1068. DMDPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.35	4′-Methoxy-2,2′,4-trimethyl diphenylamine (CAS No. 41374–20–3) (provided for in subheading 2922.29.61)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1070. CERTAIN AIR PRESSURE DISTILLATION COLUMNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.36	Pressure distillation columns, designed to liquefy air and its component gases, the foregoing containing brazed aluminum plate-fin heat exchangers (provided for in subheading 8419.60.10)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1071. nPBAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.37	4-Propylbenzaldehyde (CAS No. 28785–06–0) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1072. PRIMID XL–552.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.38	N,N,N′,N′-Tetrakis(2-hydroxyethyl)-hexanediamide (CAS No. 6334–25–4) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1074. CERTAIN IMAGING COLORANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.40.39	Black 661 inkjet printing ink: Aryl substituted pyrazonyl [[[substituted phenyl azo]substituted naphthenyl] Azo phenyl]azo, sodium salt (PMN No. P99–105) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.40	Black 820 inkjet printing ink: Substituted naphthalene [[substituted pyridinyl azo] alkoxyphenyl azo]azo, potassium / sodium salt (PMN No. P04–390) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.41	Cyan 854 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and alkyl Sulphonoamides, sodium/ammonium salts (PMN No. P02–893) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.42	Cyan 1 RO inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and sulphonoamides, sodium salts (CAS No. 90295–11–7) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.43	Cyan 226 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P99–105) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.44	Black 263 inkjet printing ink: [[Substituted naphthalenylazol] alkoxyl phenyl azo] carboxyphenylene, lithium salt (PMN No. P–00–351) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.45	Cyan 9075 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and sulphonoamides, sodium salts (CAS No. 90295–11–7) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.46	Yellow 1 Stage inkjet printing ink: Substituted napthtylene [[aminoalkyl triazinediyl]bis substituted phenylene azo]bis, sodium salt (CAS No. 50925–42–3) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.47	Fast Black 286 inkjet printing ink: [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P–90–394) (provided for in subheading 3215.11.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.48	Magenta 3BOA inkjet printing ink: [[Chloro[[[substituted naphthylzao]substituted naphthalene] Amino] triazinyl] amino] benzoic acid, sodium/lithium salts (PMN No. P–83–386) (provided for in subheading 3215.19.00)	0.3%	No change	No change	On or before 12/31/2012	
	9902.40.49	Yellow 746 inkjet printing ink: Aryl [Substituted phenylazo] pyridine, sodium/lithium salt (PMN No. P–02–234) (provided for in subheading 3215.19.0060)	0.3%	No change	No change	On or before 12/31/2012	".

SEC. 1075. CERTAIN IMAGING COLORANTS OF FAST YELLOW, CYAN, FAST BLACK, AND MAGENTA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.40.50	Fast Yellow 2 inkjet printing ink: Substituted phenylene [[morphylinyl triazinediyl]bis phenylene azo]bis, ammonium/sodium/hydrogen salt (PMN No. P–94–36) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	
	9902.40.51	Cyan 1 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and sulphonoamides (PMN No. P94–580) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	
	9902.40.52	Cyan 485 inkjet printing ink: Copper phthalocyanine substituted with sulphonic acids and alkyl sulphonoamides, sodium salt (PMN No. P–99–105) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	

	9902.40.53	Fast Black 287NA: [(substituted naphthalenylazo) substituted naphthalenyl azo] carboxyphenylene, sodium salt (PMN No. P–90–391) (provided for in subheading 3215.11.00)	Free	No change	No change	On or before 12/31/2012	
	9902.40.54	Magenta M700: Nickel [substituted naphthenyl azo] substituted triazole, sodium salt (PMN No. P–03–307) (provided for in subheading 3215.19.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1076. COPPER OXYCHLORIDE AND COPPER HYDROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.55	Copper oxychloride (CAS No. 1332–40–7) and copper hydroxide (CAS No. 20427–59–2) (provided for in subheading 3808.92.30)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1079. DCDNBTF BENZENE, 2,4-DICHLORO-1,3-DINITRO-5-(TRIFLUOROMETHYL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.56	Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl) (CAS No. 29091–09–6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1080. MIXTURES CONTAINING N-BUTYL-1,2-BENZISOTHIAZOLIN-3-ONE (BUTYL BENZISOTHIAZLINE) AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.57	Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline) (CAS No. 4299–07–4) and application adjuvants (provided for in subheading 3808.92.15 or 3808.99.08)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1081. MIXTURES CONTAINING N-BUTYL-1,2-BENZISOTHIAZOLIN-3-ONE, 1-HYDROXYPYRIDINE-2-THIONE, ZINC SALT (ZINC PYRITHIONE) AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.58	Mixtures containing n-butyl-1,2-benzisothiazolin-3-one (CAS No. 4299–07–4), 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) (CAS No. 13463–41–7) and application adjuvants (provided for in subheading 3808.99.08)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1089. BIS(4-T-BUTYLCYCLOHEXYL) PEROXYDICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.59	Bis(4-t-butylcyclohexyl) peroxydicarbonate (CAS No. 15520–11–3) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1091. DIDECANOYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.60	Didecanoyl peroxide (CAS No. 762–12–9) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1093. GLYCEROL ESTER OF DIMERIZED GUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.61	Glycerol ester of dimerized gum (100 percent) rosin, catalyzed with sulfuric acid, softening point not less than 104 °C, acid number 3 to 8, (CAS No. 68475–37–6) (provided for in subheading 3806.30.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1097. MIXTURES CONTAINING FENOXAPROP-P-ETHYL, PYRASULFOTOLE, BROMOXYNIL OCTANOATE, AND BROMOXYNIL HEPTANOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.62	Mixtures containing ethyl (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yloxy)phenoxy]propionate (Fenoxaprop-p-ethyl) (CAS No. 71283–80–2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrasulfotole) (CAS No. 365400–11–9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689–99–2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634–95–8) (provided for in subheading 3808.93.15)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1110. DRY ADHESIVE COPOLYAMIDE PELLETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.63	Piperazine co-polymerized copolyamide resin high-temperature melt adhesive pellets (CAS No. 118106–10–8, 1000189–84–3, or 1000189–29–6) (provided for in subheading 3908.10.00 or 3908.90.70)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1113. CORVUS HERBICIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.64	Mixtures containing thiencarbazone-methyl (methyl 4-[(4,5-dihydro-3-methoxy-4-methyl-5-oxo-1H-1,2,4-triazol-1-yl)carbonylsulfamoyl]-5-methylthiophene-3-carboxylate), isoxaflutole (5-cyclopropyl-1,2-oxazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone and cyprosulfamide (N-({4-[(cyclopropylamino)carbonyl]phenyl}sulfonyl)-2-methoxybenzamide) (CAS Nos. 317815–83–1, 141112–29–0, and 221667–31–8) (provided for in subheading 3808.93.15)	1.9%	No change	No change	On or before 12/31/2012	''.

SEC. 1114. EVERGOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.65	Mixtures containing 5-cyclopropyl-4-(2-methylsulfonyl-4-trifluoromethylbenxoyl)isoxazole (Isoxaflutole) (CAS No. 141112–29–0) and N-({4-[(cyclopropylamino)carbonyl]phenyl}sulfonyl)-2-methoxybenzamide (Cyprosulfamide) (CAS No. 221667–31–8) (provided for in subheading 3808.93.15)	3.5%	No change	No change	On or before 12/31/2012	''.

SEC. 1115. LIBERTY, RELY, AND IGNITE HERBICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.66	Mixtures of ammonium (2RS)-2-amino-4-(methylphosphinato)butyric acid (Glufosinate-ammonium) (CAS No. 77182–82–2) with application adjuvants (provided for in subheading 3808.93.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1126. CYCLOPROPYLAMINONICOTINIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.67	2-Cyclopropylaminonicotinic acid (CAS No. 639807–18–4) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1127. GRILBOND IL 6–50%F.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.68	N,N′-(Methylenedi-p-phenylene)bis[hexahydro-2-oxo-1H-azepine-1-carboxamide (CAS No. 54112–23–1) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1128. PRIMID QM–1260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.69	N,N,N′,N′-Tetrakis(2-hydroxypropyl)- hexanediamide (CAS No. 57843–53–5) (provided for in subheading 2924.19.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1136. 1-CHLORO-2-CHLOROMETHYL-3-FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.70	1-Chloro-2-chloromethyl-3-fluorobenzene (CAS No. 55117–15–2) (provided for in subheading 2903.69.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1142. DIMERIZED GUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.71	Partially polymerized (dimerized) rosin, catalyzed with sulfuric acid, softening point not less than 92°C, acid number not less than 140 (CAS No. 65997–05–9) (provided for in subheading 3806.90.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1149. PYRASULFOTOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.72	(5-Hydroxy-1,3-dimethylpyrazol-4-yl)(α,α,α-trifluoro-2-mesyl-p-tolyl)methanone (Pyrasulfotole) (CAS No. 365400–11–9) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1151. HELIONAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.73	3-(1,3-Benzodioxol-5-yl)-2-methylpropanal (Helional) (CAS No. 1205–17–0) (provided for in subheading 2932.99.70)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1160. OVER-THE-RANGE MICROWAVES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.74	Microwave oven and range hood combinations with oven capacity exceeding 45.0 liters (provided for in subheading 8516.50.00)	1.8%	No change	No change	On or before 12/31/2012	''.

SEC. 1162. POROUS HOLLOW FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.75	Porous hollow filaments of perfluoroalkoxy (PFA) copolymer resin, the foregoing certified by the importer as having pore sizes of less than 0.05 microns and with a maximum fiber diameter of 1 mm (provided for in subheading 5404.19.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1163. CELLULAR PLASTIC SHEETS FOR FILTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.76	Cellular plastic membrane sheets of polytetrafluoroethylene resin measuring 10 microns to 140 microns thick that, when tested, retain polystyrene latex beads of 0.15 microns diameter; and cellular plastic membrane sheets of polysulfone resin of various thicknesses and porosity, each certified by the importer for use in manufacturing filters of heading 8421 (provided for in subheading 3921.19.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1164. CERTAIN WOVEN MESH FOR USE IN FILTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.77	Woven mesh of perfluoroalkoxy copolymer resin with fibers measuring 100 to 120 microns in diameter, which is used as a textile support medium in filters of heading 8421 or 5911 (provided for in subheading 5407.71.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1165. PLASTIC FITTINGS OF PERFLUOROALKOXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.78	Plastic fittings composed of perfluoroalkoxy (PFA) resin with internal diameters ranging from 1.59 mm to 35.1 mm (provided for in subheading 3917.40.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1167. 2-HYDROXYPROPYLMETHYL CELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.79	2-Hydroxypropylmethyl cellulose containing a hydroxypropyl content of 7–17 percent by weight and a methoxyl content of 28–30 percent by weight per ASTM D–2363 (CAS No. 9004–65–3) (provided for in subheading 3912.39.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1170. MIXTURES CONTAINING 2,4,6-TRIPROPYL-1,3,5,2,4,6-TRIOXATRIPHOSPHINANE 2,4,6-TRIOXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.80	Mixtures containing 2,4,6-Tripropyl-1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide (CAS No. 68957–94–8) and organic solvents (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1174. N-PHENYL-P-PHENYLENEDIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.81	N-phenyl-p-phenylenediamine (CAS No. 101–54–2) (provided for in subheading 2921.51.50)	5.4%	No change	No change	On or before 12/31/2012	''.

SEC. 1176. DILAUROYL PEROXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.82	Dilauroyl peroxide (CAS No. 105–74–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1181. 4-CHLORO-3,5-DINITRO-α,α,α-TRIFLUOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.83	4-Chloro-3,5-dinitro-α,α,α-trifluorotoluene (CAS No. 393–75–9) (provided for in subheading 2904.90.15)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1187. AE 0172747 ETHER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.84	Benzoic acid, 2-chloro-4-(methylsulfonyl)-3-[(2,2,2-trifluoroethoxy)methyl]- (CAS No. 120100–77–8) (provided for in subheading 2930.90.29)	3.3%	No change	No change	On or before 12/31/2012	''.

SEC. 1191. YARN OF CARDED HAIR OF KASHMIR (CASHMERE) GOATS, OF YARN COUNT LESS THAN 19.35 METRIC, NOT PUT UP FOR RETAIL SALE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.85	Yarn of carded hair of Kashmir (cashmere) goats, of yarn count less than 19.35 metric, not put up for retail sale (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1192. YARN OF CARDED CAMEL HAIR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.86	Yarn of carded camel hair (provided for in subheading 5108.10.80)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1200. CERTAIN LAUNDRY WORK SURFACES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.87	Laundry work surfaces, each comprising a molded polyvinyl chloride plastic base with backguard supply tray and having a chemical and scratch-resistant synthetic rubber work mat insert on the top surface, the foregoing designed for placement across the tops of household front-loading clothes washer and dryer pairs to make a single work surface (provided for in subheading 4016.99.05)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1203. CERTAIN MIXTURES OF PERFLUOROCARBONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.88	Mixtures of C5–C18 perfluorocarbon alkanes, perfluorocarbon amines, and/or perfluorocarbon ethers (CAS No. 86508–42–1) (provided for in subheading 3824.90.92)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1204. CERTAIN PERFLUOROCARBON MORPHOLINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.89	C1–C3 Perfluoroalkyl perfluoromorpholine (CAS No. 86508–42–1) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1205. CERTAIN PERFLUOROAMINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.90	C9–C15 Perfluorocarbon amines (CAS No. 86508–42–1) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1206. CERTAIN PERFLUOROALKANES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.91	C5–C8 Perfluorocarbonalkanes (CAS No. 86508–42–1) (provided for in subheading 2903.39.20)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1207. PERFLUOROBUTANESULFONYL FLUORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.92	Perfluorobutanesulfonyl fluoride (CAS No. 375–72–4) (provided for in subheading 2904.10.50 or 2904.90.50)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1209. GRILAMID TR 90.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.93	Dodecanedioic acid, polymer with 4,4′-methylenebis(2-methylcyclohexanamine) (CAS No. 163800–66–6) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2012	''.

SEC. 1210. STAINLESS STEEL SINGLE-PIECE EXHAUST GAS MANIFOLDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.40.94	Cast stainless steel single-piece exhaust gas manifolds, suitable for use solely or principally with spark-ignition internal combustion engines and certified by the importer as capable of withstanding exhaust gas temperatures of 900° C or higher (provided for in subheading 9902.01.50)	0.6%	No change	No change	On or before 12/31/2012	''.

SEC. 1211. EFFECTIVE DATE.

The amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 2001. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS AND OTHER MODIFICATIONS.

(a) EXTENSIONS.—Each of the following headings is amended by striking the date in the effective period column and inserting ''12/31/2012'':

(1) Heading 9902.10.48 (relating to a mixture of 1,3,5-Triazine-2,4,6-triamine,N,N‴-[1,2-ethane-diyl-bis [[[4,6-bis-[butyl (1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2-yl] imino]-3,1-propanediyl]] bis[N′,N″- dibutyl-N′,N″-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)- and Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6,6-tetramethyl-1-piperdine ethanol).

(2) Heading 9902.24.76 (relating to 2-Nitroaniline).

(3) Heading 9902.10.78 (relating to lutetium oxide).

(4) Heading 9902.10.77 (relating to phosphoric acid, lanthanum salt, and cerium terbium-doped).

(6) Heading 9902.02.21 (relating to yttrium oxides having a purity of at least 99.9 percent).

(9) Heading 9902.23.28 (relating to parts for use in the manufacture of certain high-performance loudspeakers).

(10) Heading 9902.24.08 (relating to the mixture of 5,5-Bis[(g,v-perfluoro(C4-20)alkylthio)methyl]-2-hydroxy-2-oxo-1,3,2-dioxaphosphorinane, ammonium salt and 2,2-bis[(g,v-perfluoro(C4-20)-alkylthio)methyl]-3-hydroxypropyl phosphate, diammonium salt and di-[2,2-bis[(g,v-perfluoro-(C4-20)alkylthio)methyl]]-3-hydroxypropyl phosphate, ammonium salt and 2,2-bis[(g,v-perfluoro(C4-20)alkylthio)methyl]-1,3-di-(dihydrogenphosphate)propane, tetraammonium salt).

(11) Heading 9902.25.66 (relating to Glycine, N,N-Bis[2-hydroxy-3-(2-propenyloxy)propyl]-, monosodium salt, reaction products with ammonium hydroxide and pentafluoroiodoethane-tetrafluoroethylyene telomer).

(12) Heading 9902.24.07 (relating to 3-Cyclohexene-1-carboxylic acid, 6-[(di-2-propenylamino)carbonyl]-, rel-(1R,6R)-, reaction products with pentafluoroiodoethane-tetrafluoroethylene telomer, ammonium salt).

(13) Heading 9902.12.47 (relating to Bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate).

(14) Heading 9902.02.15 (relating to Tetraethylammonium perfluoroctanesulfonate).

(15) Heading 9902.28.01 (relating to Thionyl chloride).

(16) Heading 9902.24.64 (relating to 1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid, potassium salt).

(17) Heading 9902.24.62 (relating to Phosphoric acid, tris (2-ethylhexyl)ester).

(18) Heading 9902.24.61 (relating to certain plasticizers).

(19) Heading 9902.11.93 (relating to 1,4-benzenedicarboxylic acid, polymer with n,n′-bis(2-aminoethyl)-1,2-ethanediamine, cyclized, methosulfate).

(21) Heading 9902.03.03 (relating to sulfur black 1).

(22) Heading 9902.22.45 (relating to cyanuric chloride).

(23) Heading 9902.22.87 (relating to magnesium peroxide, minimum 25 percent purity).

(24) Heading 9902.11.06 (relating to DEMBB).

(25) Heading 9902.29.06 (relating to diphenyl sulfide).

(26) Heading 9902.29.16 (relating to 4,4-Dimethoxy-2-butanone).

(27) Heading 9902.29.08 (relating to 3-Amino-5-mercapto-1,2,4-triazole).

(28) Heading 9902.22.10 (relating to 2-Phenylphenol sodium salt).

(29) Heading 9902.25.40 (relating to Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads with low ash).

(30) Heading 9902.29.26 (relating to 1,3-Dimethyl-2-imidazolidinone).

(31) Heading 9902.25.34 (relating to 3,4-Dichlorobenzotrifluoride).

(32) Heading 9902.25.41 (relating to mixtures of fungicide).

(33) Heading 9902.02.90 (relating to halofenozide).

(34) Heading 9902.02.96 (relating to isoxaben).

(35) Heading 9902.32.87 (relating to fenbuconazole).

(36) Heading 9902.30.49 (relating to ethalfluralin).

(37) Heading 9902.05.17 (relating to tebufenozide).

(38) Heading 9902.25.38 (relating to quintec).

(39) Heading 9902.29.61 (relating to quinoline).

(40) Heading 9902.02.93 (relating to mixed isomers of 1,3-dichloropropene).

(41) Heading 9902.25.39 (relating to 1,2-Benzisothiazol-3(2H)-one (9Cl)).

(42) Heading 9902.32.92 (relating to ß-Bromo-ß-nitrostyrene).

(43) Heading 9902.25.37 (relating to mixtures of insecticide).

(44) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).

(45) Heading 9902.11.86 (relating to methyl hydroxyethyl cellulose).

(46) Heading 9902.11.84 (relating to methyl hydroxyethyl cellulose products).

(47) Heading 9902.02.92 (relating to 1,2-Benzenedicarboxaldehyde).

(48) Heading 9902.29.25 (relating to 2-Phenylphenol).

(49) Heading 9902.02.85 (relating to 3,4-Dichlorobenzonitrile).

(50) Heading 9902.29.17 (relating to 2,6-Dichloroaniline).

(51) Heading 9902.10.62 (relating to certain hydraulic control units).

(52) Heading 9902.24.09 (relating to 1-(3H)-Isobenzofuranone, 3,3-bis(2-methyl-1-octyl-1H-indol-3-yl)-).

(53) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio)methyl]phenol).

(54) Heading 9902.24.43 (relating to 2-Methyl-1-[4-(methylthio)phenyl]-2-(4-morpholinyl)-1-propanone).

(55) Heading 9902.24.77 (relating to 2,2-(2,5-Thiophenediyl)bis(5-(1,1-dimethylethyl) benzoxazole)).

(56) Heading 9902.24.91 (relating to reactive black 5).

(57) Heading 9902.02.44 (relating to Reactive red 266 (2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo- 2-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-1-methylethyl]amino]-1,3,5-

triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydroxy, sodium salt)).

(58) Heading 9902.13.26 (relating to diuron).

(60) Heading 9902.13.24 (relating to linuron).

(61) Heading 9902.23.49 (relating to Dimethyl malonate).

(64) Heading 9902.23.56 (relating to certain 6V lead-acid storage batteries).

(66) Heading 9902.12.43 (relating to dimethyl carbonate).

(67) Heading 9902.01.48 (relating to ethyl pyruvate).

(68) Heading 9902.01.44 (relating to benzyl carbazate).

(69) Heading 9902.12.45 (relating to famoxadone, Cymoxanil, and application adjuvants).

(70) Heading 9902.12.42 (relating to DPX–KN128).

(71) Heading 9902.29.91 (relating to Methyl-4-trifluoro methoxyphenyl-N-(chlorocarbonyl) carbamate).

(72) Heading 9902.23.64 (relating to acetoacetyl-2,5-dimethoxy-4-chloroanilide).

(73) Heading 9902.23.63 (relating to 3-amino-4-methylbenzamide).

(74) Heading 9902.23.61 (relating to basic blue 7).

(75) Heading 9902.23.60 (relating to basic violet 1).

(76) Heading 9902.23.59 (relating to 5-chloro-3-hydroxy-2-methyl-2-naphthanilide).

(77) Heading 9902.23.58 (relating to 5-chloro-3-hydroxy-2-methoxy-2-naphthanilide).

(78) Headings 9902.22.17 and 9902.22.18 (relating to O-Chlorotoluene).

(79) Heading 9902.22.19 (relating to bayderm bottom dlv-n).

(80) Heading 9902.24.55 (relating to certain ethylene-vinyl acetate copolymers).

(81) Heading 9902.04.09 (relating to 3,6,9-trioxaundecanedioic acid).

(82) Heading 9902.22.98 (relating to 3-(trifluoromethyl) benzoate).

(83) Heading 9902.01.14 (relating to 5-MPDC).

(84) Heading 9902.23.01 (relating to 4-methylbenzonitrile).

(85) Heading 9902.22.99 (relating to 4-(trifluoromethoxy) phenyl isocyanate).

(86) Heading 9902.10.31 (relating to trichloroacetaldehyde).

(87) Heading 9902.10.72 (relating to 4-chlorobenzaldehyde).

(88) Heading 9902.10.65 (relating to 2-acetylbutyrolactone).

(89) Heading 9902.01.83 (relating to ethoprop).

(90) Heading 9902.11.49 (relating to product mixtures containing foramsulfuron and iodosulfuronmethyl-sodium).

(91) Heading 9902.01.36 (relating to Methanol, sodium salt).

(92) Heading 9902.24.60 (relating to 2-ethylhexyl 4-methoxycinnamate).

(93) Heading 9902.11.78 (relating to ion-exchange resin powder, dried to less than 5 percent moisture).

(94) Heading 9902.02.29 (relating to 10,10′-oxybisphenoxarsine).

(95) Heading 9902.02.33 (relating to a certain ion exchange resin).

(96) Heading 9902.11.79 (relating to a ion-exchange resin powder, dried to less than 10 percent moisture).

(97) Heading 9902.02.32 (relating to a certain ion exchange resin).

(98) Heading 9902.22.33 (relating to trichlorobenzene).

(99) Heading 9902.12.06 (relating to (IPN) isophthalonitrile).

(100) Heading 9902.12.05 (relating to 1-chloro-2-propanone).

(101) Heading 9902.13.29 (relating to brodifacoum).

(102) Heading 9902.23.04 (relating to mixtures or coprecipitates of yttrium oxide and europium oxide).

(103) Heading 9902.23.06 (relating to mixtures or coprecipitates of yttrium phosphate and cerium phosphate).

(104) Heading 9902.11.35 (relating to DPA).

(105) Heading 9902.12.50 (relating to Pigment Brown 25).

(110) Heading 9902.10.80 (relating to Permethrin).

(111) Heading 9902.11.74 (relating to Cypermethrin).

(112) Heading 9902.13.27 (relating to Bromacil and Diuron).

(113) Heading 9902.13.45 (relating to Pyrithiobac-sodium).

(114) Heading 9902.05.01 (relating to mixtures of methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]-amino]carbonyl]amino]sulfonyl]-3-methylbenzoate and application adjuvants).

(115) Heading 9902.13.32 (relating to trifloxysulfuron-sodium technical).

(116) Heading 9902.04.11 (relating to 1,3-Benzenedicarboxamide, N, N′-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-).

(117) Heading 9902.04.07 (relating to reaction products of phosphorous trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol).

(118) Heading 9902.04.05 (relating to preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)-).

(119) Heading 9902.04.12 (relating to 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione).

(120) Heading 9902.04.06 (relating to 1-Acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine).

(121) Heading 9902.84.91 (relating to certain manufacturing equipment).

(122) Heading 9902.23.47 (relating to self contained, carafe-less automatic drip coffeemaker with electronic clock).

(123) Heading 9902.23.48 (relating to under the counter mounting electric can openers).

(124) Heading 9902.23.46 (relating to self contained, carafe-less automatic drip coffeemaker).

(125) Heading 9902.23.45 (relating to open top, electric indoor grills).

(126) Heading 9902.23.44 (relating to electric juice extractors).

(127) Heading 9902.23.43 (relating to electric juice extractors).

(128) Heading 9902.23.42 (relating to sandwich toaster grills).

(129) Heading 9902.23.41 (relating to ice shavers).

(130) Heading 9902.23.40 (relating to combination single slot toaster and toaster ovens).

(131) Heading 9902.23.39 (relating to electric knives).

(132) Heading 9902.23.38 (relating to handheld electric can openers).

(136) Heading 9902.02.08 (relating to cyprodinil).

(137) Heading 9902.02.12 (relating to difenoconazole).

(138) Heading 9902.12.53 (relating to mixtures of difenoconazole and mefenoxam).

(139) Heading 9902.13.31 (relating to formulations of Thiamethoxam, Difenoconazole, Fludioxonil, and Mefenoxam).

(140) Heading 9902.02.09 (relating to mixtures of cyhalothrin and application adjuvants).

(141) Heading 9902.02.05 (relating to mucochloric acid).

(142) Heading 9902.02.04 (relating to mixtures of mefenoxam, fludioxonil, and cymoxanil with application adjuvants).

(143) Heading 9902.01.16 (relating to epdc).

(144) Heading 9902.24.18 (relating to mixtures of 2-amino-2,3-dimethylbutanenitrile and toluene).

(145) Heading 9902.24.19 (relating to 2,3-quinoline dicarboxylic acid).

(147) Heading 9902.24.20 (relating to 3,5-Difluoroaniline).

(148) Heading 9902.24.17 (relating to quinolinic acid).

(150) Heading 9902.13.44 (relating to 2-methyl-4-methoxy-6-methylamino-1,3,5-triazine).

(151) Heading 9902.13.42 (relating to 2-amino-4-methoxy-6-methyl-1,3,5-triazine).

(152) Heading 9902.33.63 (relating to 3-(ethylsulfonyl)-2-pyridinesulfonamide).

(153) Heading 9902.33.61 (relating to carbamic acid).

(154) Heading 9902.25.05 (relating to Direct Yellow 119).

(155) Heading 9902.02.37 (relating to 2-amino-6-nitrophenol-4-sulfonic acid).

(156) Heading 9902.02.38 (relating to 2-amino-5-sulfobenzoic acid).

(157) Heading 9902.01.66 (relating to 2,4-disulfobenzaldehyde).

(158) Heading 9902.01.65 (relating to p-cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid)).

(159) Heading 9902.23.66 (relating to synthetic indigo powder, (3h-indol-3-one, 2-(1,3-dihydro-3-oxo-2h-indol-2-ylidene)-1,2-&fnl;dihydro-)).

(160) Heading 9902.02.39 (relating to 2,5-bis[(1,3-dioxobutyl)amino]benzenesulfonic acid).

(161) Heading 9902.25.04 (relating to Basic Yellow 40 chloride based).

(162) Heading 9902.23.37 (relating to metal halide lamps designed for use in video projectors).

(163) Heading 9902.05.11 (relating to 3,3′,4,4′-biphenyltetracarboxylic dianhydride).

(164) Heading 9902.05.14 (relating to pyromellitic dianhydride).

(165) Heading 9902.11.71 (relating to lewatit).

(166) Heading 9902.32.82 (relating to 2,6-Dichlorotoluene).

(167) Heading 9902.04.10 (relating to Crotonic acid).

(168) Heading 9902.03.05 (relating to Fluorobenzene).

(169) Heading 9902.24.67 (relating to unicycles).

(170) Heading 9902.24.69 (relating to bicycle wheel rims).

(171) Heading 9902.10.41 (relating to o-Anisidine).

(172) Heading 9902.23.65 (relating to Phenyl salicylate (benzoic acid, 2-hydroxy-, phenyl ester)).

(173) Heading 9902.22.80 (relating to Titanium mononitride).

(174) Heading 9902.11.37 (relating to 1-Fluoro-2-nitrobenzene).

(175) Heading 9902.10.43 (relating to 2,4-Xylidine).

(176) Heading 9902.24.45 (relating to Vat Black 25).

(177) Heading 9902.12.34 (relating to Chloroacetic acid, sodium salt).

(178) Heading 9902.02.75 (relating to esters and sodium esters of parahydroxybenzoic acid).

(179) Heading 9902.11.01 (relating to Glyoxylic acid).

(180) Heading 9902.22.41 (relating to Isobutyl 4-hydroxybenzoate and its sodium salt).

(181) Heading 9902.34.01 (relating to sodium petroleum sulfonic acids, sodium salts).

(182) Heading 9902.29.70 (relating to Tetraacetylethylenediamine).

(183) Heading 9902.85.42 (relating to certain cathode-ray tubes).

(184) Heading 9902.23.21 (relating to a certain specialty monomer).

(185) Heading 9902.01.62 (relating to THV).

(186) Heading 9902.13.86 (relating to certain refracting and reflecting telescopes).

(187) Heading 9902.03.34 (relating to Penta Amino Aceto Nitrate Cobalt III).

(188) Heading 9902.11.44 (relating to mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl] benzoate, sodium salt (Iodosulfuron methyl, sodium salt) and application adjuvants).

(189) Heading 9902.11.48 (relating to mesosulfuronmethyl).

(190) Heading 9902.24.34 (relating to tetramethrin).

(191) Heading 9902.25.69 (relating to flumioxasin).

(192) Heading 9902.10.83 (relating to Resmethrin).

(194) Heading 9902.23.07 (relating to oysters (other than smoked), prepared or preserved).

(195) Heading 9902.05.22 (relating to fenpropathrin).

(196) Heading 9902.24.35 (relating to tralomethrin).

(197) Heading 9902.24.29 (relating to Bispyribac-sodium).

(198) Heading 9902.24.30 (relating to dinotefuran).

(199) Heading 9902.24.31 (relating to etoxazole).

(200) Heading 9902.24.27 (relating to Pyriproxyfen).

(201) Heading 9902.05.24 (relating to Uniconazole).

(202) Heading 9902.12.03 (relating to Previcur).

(203) Heading 9902.13.97 (relating to Ziram).

(204) Heading 9902.03.79 (relating to mixtures of thiophanate methyl and application adjuvants).

(205) Heading 9902.03.77 (relating to thiophanate methyl).

(206) Heading 9902.02.87 (relating to Methyl sulfanilylcarbamate, sodium salt (asulam sodium salt)).

(207) Heading 9902.12.10 (relating to 2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-ethyl-1-hexanol-blocked).

(208) Heading 9902.11.83 (relating to Polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents).

(209) Heading 9902.11.87 (relating to Trimethylopropane tris(3-aziridinylpropanoate)).

(210) Heading 9902.11.82 (relating to Hexane, 1,6-diisocyanato-, homopolymer, 3,5-dimethyl-1H-pyrazole-blocked in solvents).

(211) Heading 9902.11.80 (relating to 1,2,3-Propanetriol, polymer with 2,4-diisocyanato-1-methylbenzene, 2-ethyl-2-(hydroxymethyl))-1,3-propanediol, methyloxirane and oxirane).

(212) Heading 9902.10.22 (relating to acrylic or modacrylic staple fibers, carded, combed, or otherwise processed for spinning).

(213) Heading 9902.23.27 (relating to filament tow of rayon).

(214) Heading 9902.23.33 (relating to certain staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning).

(215) Heading 9902.23.34 (relating to certain staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning).

(216) Heading 9902.10.93 (relating to certain transaxles designed for use in hybrid vehicles).

(217) Heading 9902.10.94 (relating to certain static converters designed for use in hybrid vehicles).

(218) Heading 9902.10.95 (relating to certain controllers for electric power assisted braking systems, designed for use in hybrid vehicles).

(219) Heading 9902.10.64 (relating to 2,4-Dichloroaniline).

(220) Heading 9902.10.38 (relating to Fenamidone).

(221) Heading 9902.10.36 (relating to Pyrimethanil).

(222) Heading 9902.02.99 (relating to cis-3-Hexen-1-ol).

(223) Heading 9902.02.98 (relating to polytetramethylene ether glycol).

(224) Heading 9902.24.14 relating to C12–18 alkenes).

(225) Heading 9902.03.59 (relating to acid black 132).

(226) Heading 9902.01.75 (relating to acid black 172).

(227) Heading 9902.03.67 (relating to acid blue 113).

(228) Heading 9902.03.65 (relating to acid orange 116).

(229) Heading 9902.03.58 (relating to disperse blue 56).

(230) Heading 9902.24.90 (relating to Reactive Blue 250).

(231) Heading 9902.24.41 (relating to Lycopene 10 percent).

(232) Heading 9902.22.07 (relating to 3,7-dichloro-8-quinolinecarboxylic acid).

(233) Heading 9902.01.19 (relating to 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidineidione).

(234) Heading 9902.32.85 (relating to Bis(4-fluorophenyl)methanone).

(235) Heading 9902.23.20 (relating to Morpholine,4-[4,5-dihydro-4-[3-[5-hydroxy-1-methyl-3- (4-morpholinylcarbonyl)-1H-pyrazol-3-yl]-2-propenylidene]-1-methyl-5-oxo-1H-pyrazol-3-yl]carbonyl]-, potassium salt; 1,4-benzenedisulfonic acid, 2-[4-[5-[1- (2,5-disulfophenyl)-1,5-dihydro-3-[(methylamino)carbonyl]-5-oxo-4H-pyrazol-4-ylidene]-3-(2-oxo-1-pyrrolidinyl)- 1,3-pentadienyl]-5-hydroxy-3-[(methylamino)carbonyl]-1H-pyrazol-1-yl]-, pentapotassium salt).

(236) Heading 9902.25.30 (relating to certain cores used in remanufacture).

(237) Heading 9902.25.31 (relating to certain cores used in remanufacture).

(238) Heading 9902.25.32 (relating to certain cores used in remanufacture).

(239) Heading 9902.12.19 (relating to D-Mannose).

(240) Heading 9902.02.57 (relating to Propoxur).

(241) Heading 9902.13.77 (relating to Desmedipham in bulk or mixtures).

(242) Heading 9902.22.96 (relating to triphenyltin hydroxide).

(243) Heading 9902.22.94 (relating to MCPB Acid and MCPB Sodium Salt).

(244) Heading 9902.23.31 (relating to lampholder housings of aluminum, containing sockets).

(245) Heading 9902.23.32 (relating to lampholder housings of brass, containing sockets).

(246) Heading 9902.23.29 (relating to lampholder housings of plastic, containing sockets).

(247) Heading 9902.23.30 (relating to lampholder housings of porcelain, containing sockets).

(248) Heading 9902.01.43 (relating to Thymol).

(249) Heading 9902.01.40 (relating to Menthyl anthranilate).

(250) Heading 9902.01.35 (relating to 2-Phenylbenzimidazole-5-sulfonic acid).

(251) Heading 9902.24.47 (relating to Methyl Salicylate).

(252) Heading 9902.01.38 (relating to p-Methylacetophenone).

(253) Heading 9902.01.39 (relating to 2,2-Dimethyl-3-(3-methylphenyl)proponal).

(254) Heading 9902.38.31 (relating to mixtures of n-phenyl-n-((trichloromethyl)thio)-benzenesulfonamide, calcium carbonate, and mineral oil).

(255) Heading 9902.80.05 (relating to cobalt boron).

(256) Heading 9902.02.49 (relating to 4-(trifluoromethyl)-benzaldehyde).

(257) Heading 9902.22.03 (relating to 3-oxido-5-oxo-4-propionylcyclohex-3-enecarboxylic acid calcium salt).

(258) Heading 9902.22.91 (relating to mixtures of methyl (E)-methoxyimino-[α-(o-tolyloxy)-o-tolyl]acetate (Kresoxim methyl) and application adjuvants).

(259) Heading 9902.10.75 (relating to Phosphorus Thiochloride).

(260) Heading 9902.01.56 (relating to 2-Chlorobenzyl chloride).

(261) Heading 9902.10.82 (relating to N-3[3-(1-methylethoxy)phenyl]-2-(trifluoromethyl)benzamide).

(262) Heading 9902.24.42 (relating to mixtures of propoxycarbazone-sodium, Mesosulfuron-methyl, and application adjuvants).

(264) Heading 9902.05.19 (relating to ethofumesate in bulk or mixtures).

(265) Heading 9902.11.15 (relating to Tetraconazole).

(266) Heading 9902.22.44 (relating to sodium hypophosphite).

(267) Heading 9902.01.41 (relating to Allyl isothiocyanate).

(268) Heading 9902.10.44 (relating to Crotonaldehyde (2-butenaldehyde)).

(269) Heading 9902.23.50 (relating to lightweight digital camera lenses).

(270) Heading 9902.23.51 (relating to digital zoom camera lenses).

(271) Heading 9902.23.53 (realting to certain color video monitors).

(272) Heading 9902.23.52 (relating to certain color video monitors).

(273) Heading 9902.23.55 (relating to certain black and white monitors).

(274) Heading 9902.23.54 (relating to certain color video monitors).

(275) Heading 9902.03.01 (relating to yarn of combed cashmere or yarn of camel hair).

(276) Heading 9902.12.20 (relating to camel hair, processed beyond the degreased or carbonized condition).

(277) Heading 9902.12.21 (relating to waste of camel hair).

(278) Heading 9902.12.22 (relating to camel hair, carded or combed).

(279) Heading 9902.12.23 (relating to woven fabrics containing 85 percent or more by weight of vicuna hair).

(280) Heading 9902.12.24 (relating to camel hair, not processed in any manner beyond the degreased or carbonized condition).

(281) Heading 9902.12.25 (relating to noils of camel hair).

(282) Heading 9902.23.36 (relating to multi-format DVD camcorders).

(283) Heading 9902.23.35 (relating to multi-format DVD camcorders).

(284) Heading 9902.72.02 (relating to Ferro Boron).

(285) Heading 9902.10.63 (relating to shield asy-steering gear).

(286) Heading 9902.23.16 (relating to Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated).

(288) Heading 9902.22.05 (relating to methyoxyacetic acid).

(289) Heading 9902.24.58 (relating to Zeta-cypermethrin).

(290) Heading 9902.11.60 (relating to 1,2-Pentanediol).

(291) The first heading 9902.85.06 (relating to certain 120 volt/60 Hz electrical transformers).

(292) Heading 9902.02.95 (relating to 2-Propenoic acid, polymer with diethenylbenzene).

(b) OTHER MODIFICATONS.—

(1) 4-CHLOROBENZONITRILE.—Heading 9902.25.24 is amended—

(A) by striking ''p-Chlorobenzonitrile'' and inserting ''4-Chlorobenzonitrile'';

(B) by striking ''1.5%'' and inserting ''Free''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(2) CYCLOPENTANONE.—Heading 9902.11.02 is amended—

(A) by striking ''Free'' and inserting ''1.7%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(3) MICRO-POROUS, ULTRAFINE, SPHERICAL POLYAMIDE POWDERS OF POLYAMIDE 6; POLYAMIDE-12; AND POLYAMIDE 6, 12.—Heading 9902.39.08 is amended—

(A) by amending the article description to read as follows: ''Micro-porous, ultrafine, spherical polyamide powders of polyamide 6 (CAS No. 356040–79–4); polyamide-12 (CAS No. 338462–62–7); and polyamide 6, 12 (CAS No. 356040–89–6) (provided for in subheadings 3908.10.00 and 3908.90.70)''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(4) 9,10-ANTHRACENEDIONE, 2-(1,1-DIMETHYLPROPYL)- AND 9,10-ANTHRACENEDIONE, 2-(1,2-DIMETHYLPROPYL)-.—Heading 9902.24.05 is amended—

(A) by striking ''9,10-Anthracenedione, 2-pentyl- (CAS No. 13936–21–5)'' and inserting ''9,10-Anthracenedione, 2-(1,1-dimethylpropyl)- (CAS No. 32588–54–8) and 9,10-anthracenedione, 2-(1,2-dimethylpropyl)- (CAS No. 68892–28–4)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(5) MESOTRIONE.—Subchapter II of chapter 99 is amended—

(A) by striking heading 9902.25.80; and

(B) in heading 9902.11.03, by striking the date in the effective period column and inserting ''12/31/2012''.

(6) ADTP.—Heading 9902.25.33 is amended—

(A) by striking ''Free'' and inserting ''3%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(7) CYHALOFOP-BUTYL.—Heading 9902.02.86 is amended—

(A) by inserting ''(Cyhalofop-butyl)'' after ''(2R)'';

(B) by striking ''1.5%'' and inserting ''2%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(8) 2-CYANOPYRIDINE.—Heading 9902.22.35 is amended—

(A) by striking ''Free'' and inserting ''3.2%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(9) BENFLURALIN.—Heading 9902.29.59 is amended—

(A) by inserting ''(Benfluralin)'' after ''toluidine''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(10) DMDS.—Heading 9902.33.92 is amended—

(A) by striking ''Free'' and inserting ''1%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(11) MCPA ESTER.—Heading 9902.10.54 is amended—

(A) by amending the article description to read as follows: ''2-Ethylhexyl (4-chloro-2-methylphenoxy)acetate (MCPA-2-ethylhexyl) (CAS No. 29450–45–1) (provided for in subheading 2918.99.20)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(12) MCPA ACID.—Heading 9902.13.60 is amended—

(A) in the article description, by inserting ''(MCPA)'' before ''(CAS'';

(B) by striking ''Free'' and inserting ''2.8%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(13) PROPICONAZOLE.—Heading 9902.29.80 is amended—

(A) in the article description, by inserting ''(Propiconazole)'' before ''(CAS''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(14) MYCLOBUTANIL.—Heading 9902.02.91 is amended—

(A) by striking ''3%'' and inserting ''2.3%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(15) METHOXYFENOZIDE.—Heading 9902.32.93 is amended—

(A) by inserting ''(Methoxyfenozide)'' after ''hydrazide'';

(B) by striking ''1.0%'' and inserting ''4.3%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(16) TRIFLURALIN.—Heading 9902.05.33 is amended—

(A) in the article description, by inserting ''(Trifluralin)'' before ''(CAS'';

(B) by striking ''2.6%'' and inserting ''2.4%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(18) DEPCT.—Heading 9902.29.58 is amended—

(A) by striking ''phosphorochlorodothioate'' and inserting ''phosphorochloridothioate''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(19) BICYCLE SPEEDOMETERS.—Heading 9902.24.65 is amended—

(A) by striking ''Free'' and inserting ''0.9%''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(20) 11-AMINOUNDECANOIC ACID.—Heading 9902.32.49 is amended—

(A) by striking ''2.3%'' and inserting ''2.6%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(21) BIAXIALLY ORIENTED POLYPROPYLENE DIELECTRIC FILM.—Heading 9902.25.75 is amended—

(A) by striking ''3.7%'' and inserting ''Free''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(22) PALM FATTY ACID DISTILLATE.—Heading 9902.11.32 is amended—

(A) by striking ''1%'' and inserting ''1.2%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(23) 5-CHLORO-1-INDANONE.—Heading 9902.12.44 is amended—

(A) by striking ''Free'' and inserting ''1.1%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(24) 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED, REDUCED HYDROLYZED.—Heading 9902.23.10 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(25) ETHENE TETRAFLUORO-OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED, ETHOXYLATED.—Heading 9902.23.17 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(26) 1, 1, 2-2-TETRAFLUOROETHENE, OXIDIZED, POLYMERIZED.—Heading 9902.23.14 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(27) METHOXYCARBONYL-TERMINATED PERFLUORINATED POLYOXYMETHYLENE-POLYOXYETHYLENE.—Heading 9902.23.15 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(28) ETHENE, TETRAFLUORO, OXIDIZED, POLYMERIZED REDUCED, METHYL ESTERS, REDUCED.—Heading 9902.23.19 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(29) OXIRANEMETHANOL, POLYMERS WITH REDUCED METHYL ESTERS OF REDUCED POLYMERIZED OXIDIZED TETRAFLUOROETHYLENE.—Heading 9902.23.18 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(30) 1-PROPENE, 1,1,2,3,3,3-HEXAFLUORO-, OXIDIZED, POLYMERIZED.—Heading 9902.23.11 is amended—

(A) by striking ''3907.20.00'' and inserting ''3904.69.50''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(31) VINYLIDENE CHLORIDE-METHYL METHACRYLATE-ACRYLONITRILE COPOLYMER.—Heading 9902.23.09 is amended—

(A) by striking ''(provided for in subheading 3904.50.00)'' and inserting ''(provided for in subheading 3904.90.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(32) 1-PROPENE, 1,1,2,3,3,3,-HEXAFLUORO-, TELOMER WITH CHLOROTRIFLUOROETHENE, OXIDIZED, REDUCED, ETHYL ESTER, HYDROLYZED.—Heading 9902.23.12 is amended—

(A) by striking ''(provided for in subheading 3907.20.00)'' and inserting ''(provided for in subheading 3904.69.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(33) PRODIAMINE.—Heading 9902.03.19 is amended—

(A) by amending the article description to read as follows: ''2,4-Dinitro-N3,N3-dipropyl-4-(trifluoromethyl)-1,3-benzenediamine (Prodiamine) (CAS No. 29091–21–2) (provided for in subheading 2921.59.80)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(34) BENTAZON.—Heading 9902.05.10 is amended—

(A) by amending the article description to read as follows: ''3-Isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide, sodium salt (Bentazon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(35) IPRODIONE.—Heading 9902.01.51 is amended—

(A) by striking ''2%'' and inserting ''2.4%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(36) ß-CYFLUTHRIN.—Heading 9902.02.54 is amended—

(A) by striking ''4.3%'' and inserting ''4.8%''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(37) CYFLUTHRIN.—Heading 9902.10.67 is amended—

(A) by striking ''3.5%'' and inserting ''Free''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(38) CLOTHIANIDIN.—Heading 9902.10.84 is amended—

(A) by striking ''5.4%'' and inserting ''Free''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(39) TRIFLOXYSTROBIN.—Heading 9902.10.76 is amended—

(A) by striking ''2.4%'' and inserting ''5.4%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(40) FOE HYDROXY.—Heading 9902.03.38 is amended—

(A) by striking ''5.2%'' and inserting ''0.6%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(41) HELIUM.—Heading 9902.01.47 is amended—

(A) by inserting ''(CAS No. 7440–59–7)'' before ''(provided for in subheading 2804.29.00)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(42) A CERTAIN CHEMICAL.—Heading 9902.22.11 is amended—

(A) by striking ''Adsorbent resin comprised of a macroporous polymer of diethenylbenzene'' and inserting ''Macroporous poly(divinylbenzene)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(43) ACM.—Heading 9902.10.79 is amended—

(A) by striking ''0.7%'' and inserting ''1.7%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(44) OXADIAZON.—Heading 9902.10.73 is amended—

(A) by amending the article description to read as follows: ''2-*tert*-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one (Oxadiazon) (CAS No. 19666–30–9) (provided for in subheading 2934.99.11)'';

(B) by striking ''Free'' and inserting ''0.9%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(45) N-CYCLOHEXYLTHIOPHTHALIMIDE.—Subchapter II of chapter 99 is amended—

(A) by striking heading 9902.03.30 (relating to N-Cyclohexylthiophthalimide); and

(B) in heading 9902.22.26 (relating to N-Cyclohexylthiophthalimide), by striking ''12/31/2009'' and inserting ''12/31/2012''.

(46) 4,4-DITHIODIMORPHOLINE.—Heading 9902.22.27 is amended—

(A) by striking ''2930.90.91'' and inserting ''2934.99.90''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(48) CERTAIN MEN'S FOOTWEAR COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.—Heading 9902.25.60 is amended—

(A) by striking ''12.8%'' and inserting ''16.5%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2012''.

(49) CARFENTRAZONE-ETHYL.—Heading 9902.01.54 is amended—

(A) by amending the article description to read as follows: ''α-2-Dichloro-5-[4-(difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoic acid, ethyl ester (Carfentrazone-ethyl) (CAS No. 128639–02–1) and formulations thereof (provided for in subheadings 2933.99.22 and 3808.93.15)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(50) 4,4′-OXYDIANILINE.—Heading 9902.05.12 is amended—

(A) by striking ''1.5%'' and inserting ''1.0%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(51) REACTIVE BLUE 235.—Heading 9902.02.47 is amended—

(A) by inserting ''(Reactive Blue 235)'' after ''trisodium''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(52) REACTIVE RED 238.—Heading 9902.02.48 is amended—

(A) by inserting ''(Reactive Red 238)'' after ''tetrasodium salt''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(53) IMAZALIL.—Heading 9902.38.09 is amended—

(A) in the article description—

(i) by inserting ''(Imazalil)'' after ''enilconazole''; and

(ii) by striking ''or 73790–28–0''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(54) MIXTURES OF SODIUM SALTS.—Heading 9902.29.83 is amended—

(A) in the article description, by inserting ''(CAS No. 144538–83–0)'' after ''acid''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(55) ISOXAFLUTOLE.—Heading 9902.11.46 is amended—

(A) by striking ''4.8%'' and inserting ''Free''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(56) ISOXADIFEN-ETHYL.—Heading 9902.11.45 is amended—

(A) in the article description, by striking ''(Isoxadifenethyl)'' and inserting ''(Isoxadifen-Ethyl)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(57) SPIROMESIFEN.—Heading 9902.10.71 is amended—

(A) in the article description—

(i) by inserting ''(Spiromesifen)'' after ''ester''; and

(ii) by inserting ''No.'' after ''CAS''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(59) CERTAIN MEN'S FOOTWEAR NOT COVERING THE ANKLE WITH COATED OR LAMINATED TEXTILE FABRICS.—Heading 9902.25.61 is amended—

(A) by striking ''15.2%'' and inserting ''17.5%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(60) 2-METHYL-5-NITROBENZENESULFONIC ACID.—Subchapter II of chapter 99 is amended—

(A) by striking heading 9902.02.36; and

(B) in heading 9902.29.23, by striking ''12/31/2009'' and inserting ''12/31/2012''.

(61) METHIDATHION.—Heading 9902.02.02 is amended—

(A) by inserting ''(Methidathion)'' before ''(CAS''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(62) TRINEXAPAC-ETHYL.—Heading 9902.29.93 is amended—

(A) by striking all before ''(CAS'' and inserting ''Ethyl (RS)-4-cyclopropyl(hydroxy)methylene-3,5-dioxocyclohexanecarboxylate (Trinexapac-ethyl)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(63) RIMSULFURON.—Heading 9902.33.60 is amended—

(A) by inserting ''(Rimsulfuron)'' before ''and application adjuvants''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(64) CERTAIN ION-EXCHANGE RESINS.—Heading 9902.39.30 is amended—

(A) by amending the article description to read as follows: ''Ion-exchange resin, copolymerized from acrylonitrile with divinylbenzene, ethylvinylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(65) BRAKES DESIGNED FOR BICYCLES.—Heading 9902.24.71 is amended—

(A) by striking ''Free'' and inserting ''6.3%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(67) REACTIVE YELLOW 7459.—Heading 9902.02.46 is amended—

(A) by inserting ''(Reactive Yellow 7459)'' before ''(CAS No. 143683–24–3)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(68) CERTAIN CATALYTIC CONVERTER MATS OF CERAMIC FIBERS.—Heading 9902.25.72 is amended—

(A) by amending the article description to read as follows: ''Catalytic converter mounting mats of ceramic fibers, 4.7625 mm or more in thickness, such fibers containing over 65 percent by weight of aluminum oxide, in bulk, sheets or rolls (provided for in subheading 6806.10.00), the foregoing designed for use in motor vehicles of heading 8703'';

(B) by striking ''1.5%'' and inserting ''Free''; and

(C) in the effective period column, by striking the date contained therein and inserting ''12/31/2012''.

(69) FLUMICLORAC-PENTYL.—Heading 9902.24.36 is amended—

(A) in the article description—

(i) by striking ''CAS No. 87547-04-4'' and inserting ''CAS No. 87546–18–7''; and

(ii) by striking ''subheading 2926.90.25'' and inserting ''subheading 2925.19.42''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(70) ACEPHATE.—Heading 9902.25.68 is amended—

(A) by striking ''1.8%'' and inserting ''2.9%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(71) PHENMEDIPHAM.—Subchapter II of chapter 99 is amended—

(A) in heading 9902.13.76, by striking the date in the effective period column and inserting ''12/31/2012''; and

(B) by striking heading 9902.31.13.

(72) ORYZALIN.—Heading 9902.05.16 is amended—

(A) by amending the article description to read as follows: ''4-(Dipropylamino)-3,5-dinitrobenzenesulfonamide (Oryzalin) (CAS No. 19044–88–3) (provided for in subheading 2935.00.95)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(73) POLY(TOLUENE DIISOCYANATE).—Heading 9902.12.04 is amended—

(A) by striking ''dissolved in organic solvents''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(74) ALUMINUM TRIS (O-ETHYLPHOSPHONATE) (FOSETYL-AL).—Heading 9902.01.73 is amended—

(A) by inserting ''(Fosetyl-Al)'' before ''(CAS'';

(B) by striking ''Free'' and inserting ''0.4%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(75) CYCLOPROPANE-1,1-DICARBOXYLIC ACID, DIMETHYL ESTER.—Heading 9902.10.69 is amended—

(A) by striking ''1.8%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(76) CLETHODIM.—Heading 9902.24.74 is amended—

(A) by striking ''3808.93.20'' and inserting ''3808.93.50''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(77) ACID BLACK 107.—Heading 9902.03.61 is amended—

(A) by striking ''3204.12.45'' and inserting ''3204.12.50''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(78) DISPERSE RED 356.—Heading 9902.24.97 is amended—

(A) by amending the article description to read as follows: ''Disperse red 356 (3-phenyl-7-(4-propoxyphenyl)benzo[1,2-b:4,5-b]difuran-2,6-dione) (CAS No. 79694–17–0) (provided for in subheading 3204.11.35)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(79) IMIDACLOPRID PESTICIDES.—Heading 9902.02.52 is amended—

(A) by inserting ''(imidacloprid)'' before ''(CAS'';

(B) by striking ''5.7%'' and inserting ''4.2%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(80) IMIDACLOPRID TECHNICAL.—Heading 9902.10.32 is amended—

(A) by striking ''pyrdinyl'' and inserting ''pyridinyl'';

(B) by striking ''Free'' and inserting ''4.2%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(81) OPTION AND REVOLVER HERBICIDES.—Heading 9902.10.37 is amended—

(A) by striking ''2.6%'' and inserting ''Free''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(82) CERTAIN LIGHT ABSORBING PHOTO DYES.—Heading 9902.29.34 is amended—

(A) by amending the article description to read as follows: ''4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl] benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (Acid Violet 520T Pina) (CAS No. 109940–17–2) (provided for under subheading 3204.12.45); 4-[3-[3-carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9) (provided for in subheading 2933.19.37); 4-[4,5-dihydro-4-[[5-hydroxy-3-methyl-1- (4-sulfophenyl)- 1H- pyrazol-4-yl]methylene]-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1) (provided for in subheading 2933.19.37); 4-[4-[[4-(dimethylamino)-phenyl]methylene]- 4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl]benzenesulfonic acid, potassium salt (CAS No. 27268–31–1) (provided for in subheading 2933.19.37); 4,5-dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt (provided for in subheading 2933.19.37); and 4-[5-[3-carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazol-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (provided for in subheading 2933.19.37)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(83) ASPIRIN.—Heading 9902.12.11 is amended—

(A) by striking ''aspirin'' and inserting ''Aspirin''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(84) 4-(2,4-DICHLOROPHENOXY) BUTYRIC ACID AND 4-(2,4-DICHLOROPHENOXY) BUTYRIC ACID, DIMETHYLAMINE SALT.—Heading 9902.23.26 is amended—

(A) by amending the article description to read as follows: ''4-(2,4-Dichlorophenoxy) butyric acid (2,4-DB) (CAS No. 94–82–6) (provided for in subheading 2918.99.20); and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt (2,4-DB-dimethylammonium) (CAS No. 2758–42–1) (provided for in subheading 2921.11.00)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(85) BROMOXYNIL OCTANOATE.—Heading 9902.22.97 is amended—

(A) in the article description—

(i) by inserting ''(Bromoxynil octanoate)'' before ''(CAS''; and

(ii) by striking ''1689–84–5'' and inserting ''1689–99–2'';

(B) by striking ''Free'' and inserting ''2.6%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(86) DICHLORPROP-P, DICHLOROPROP-2-ETHYLHEXYL, AND DICHLORPROP-P-DIMETHYLAMMONIUM.—Heading 9902.23.25 is amended—

(A) by amending the article description to read as follows: ''(+)-(R)-2-(2,4-Dichlorophenoxy) propanoic acid (Dichlorprop-p) (CAS No. 15165–67–0) (provided for in subheading 2918.99.20); (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, 2-ethylhexyl ester (Dichloroprop-2-ethylhexyl) (CAS No. 79270–78–3) (provided for in subheading 2918.99.20); and (+)-(R)-2-(2,4-dichlorophenoxy) propanoic acid, dimethylamine salt (Dichlorprop-P-dimethylammonium) (CAS No. 104786–87–0) (provided for in subheading 2921.11.00)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(87) MCPA DIMETHYLAMMONIUM.—Heading 9902.25.42 is amended—

(A) by inserting ''(MCPA dimethylammonium)'' before ''(CAS''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(88) LACTIC ACID, MENTHYL ESTER AND FRESCOLAT.—Heading 9902.01.42 is amended—

(A) by amending the article description to read as follows: ''5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate (Lactic acid, menthyl ester) (Frescolat) (CAS No. 59259–38–0) (provided for in subheading 2918.11.51)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(89) BENZALDEHYDE, 4-METHOXY-.—Heading 9902.11.57 is amended—

(A) by striking ''Benzoldehyde'' and inserting ''Benzaldehyde''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(90) MIXTURES OF INDOXACARB.—Heading 9902.01.46 is amended—

(A) by amending the article description to read as follows: ''Mixtures of (4aS) -7-chloro-2, 5-dihydro-2- [[(methoxycarbonyl)[4-(trifluoromethoxy) phenyl]amino] carbonyl]-indeno[1,2-e]-[1,3,4] oxadiazine-4a (3H)-carboxylic acid methyl ester and inert ingredients (CAS No. 173584–44–6) (provided for in subheading 3808.91.25)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(91) PACLOBUTRAZOL.—Heading 9902.01.99 is amended—

(A) by striking ''(RS'' and inserting ''(2RS'';

(B) by striking ''paclobutrazol'' and inserting ''Paclobutrazol''; and

(C) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(92) PACLOBUTRAZOL 2CS.—Heading 9902.02.01 is amended—

(A) by striking ''(RS'' and inserting ''(2RS'';

(B) by striking ''paclobutrazol'' and inserting ''Paclobutrazol''; and

(C) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(93) CERIUM SULFIDE PIGMENTS.—Heading 9902.22.90 is amended—

(A) by amending the article description to read as follows: ''Pigment preparations based on cerium sulfide or mixtures of cerium sulfide and lanthanum sulfide (CAS Nos. 12014–93–6 and 12031–49–1) (provided for in subheading 3206.49.60)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(94) MIXTURES OR COPRECIPITATES OF LANTHANUM PHOSPHATE, CERIUM-DOPED LANTHANUM PHOSPHATE, CERIUM PHOSPHATE, AND TERBIUM PHOSPHATE.—Heading 9902.23.05 is amended—

(A) by amending the article description to read as follows: ''Mixtures or coprecipitates of lanthanum phosphate, cerium-doped lanthanum phosphate, cerium phosphate, and terbium phosphate (CAS Nos. 13778–59–1, 95823–34–0, 13454–71–2 and 13863–48–4) (provided for in subheadings 2846.10.00 and 2846.90.80)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(95) CERTAIN MANUFACTURING EQUIPMENT.—Heading 9902.84.83 is amended—

(A) by amending the article description to read as follows: ''Machine tools for working wire of iron or steel, numerically controlled, the foregoing certified for use in production of radial tires designed for off-the-highway use and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), and parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(96) CERTAIN MANUFACTURING EQUIPMENT.—Heading 9902.84.81 is amended—

(A) by amending the article description to read as follows: ''Shearing machines used to cut metallic tissue, numerically controlled, the foregoing certified for use in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), and parts thereof (provided for in subheading 8462.31.00 or 8466.94.85)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(97) SULFENTRAZONE.—Heading 9902.25.57 is amended—

(A) in the article description—

(i) by striking ''methanesulfona-mide'' and inserting ''methanesulfonamide''; and

(ii) by striking ''(provided for in subheading 2935.00.75)'' and inserting ''and formulations thereof (provided for in subheadings 2935.00.75 and 3808.93.15)'';

(B) by striking ''1.2%'' and inserting ''3.2%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(98) N-ETHYL-N-(3-SULFOBENZYL)ANILINE (BENZENESULFONIC ACID, 3-[(ETHYLPHENYLAMINO)METHYL]-).—Heading 9902.01.68 is amended—

(A) by amending the article description to read as follows: ''N-Ethyl-N-(3-sulfobenzyl)aniline (3-[(ethylphenylamino)methyl]-benzenesulfonic acid) (CAS No. 101–11–1) (provided for in subheading 2921.42.90)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(99) AN ULTRAVIOLET DYE.—Heading 9902.28.19 is amended—

(A) in the article description, by striking ''9-Anthracene-carboxylic acid, (triethoxysilyl)-methyl ester'' and inserting ''9-Anthracenecarboxylic acid, (triethoxysilyl)methyl ester''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(100) DELTAMETHRIN.—Heading 9902.01.49 is amended—

(A) by amending the article description to read as follows: ''''(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (Deltamethrin) (CAS No. 52918–63–5) in bulk, or put up in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.91.25)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(101) BIOALLETHRIN.—Heading 9902.24.32 is amended—

(A) by amending the article description to read as follows: ''(RS)-3-allyl-2-methyl-4-oxocyclopent-2-enyl (1R,3R)-2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (Bioallethrin) (CAS No. 584–79–2) (provided for in subheading 2916.20.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(102) S-BIOALLETHRIN.—Heading 9902.24.33 is amended—

(A) by amending the article description to read as follows: ''(S)-3-allyl-2-methyl-4-oxocyclopent-2-enyl (1R,3R)-2,2-dimethyl-3-(2-methylprop-1-enyl)cyclopropanecarboxylate (S-Bioallethrin) (CAS No. 28434–00–6) (provided for in subheading 2916.20.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(103) POLYFUNCTIONAL AZIRIDINE.—Heading 9902.11.88 is amended—

(A) in the article description, by striking ''Polyfunctional aziridine'' and inserting ''Pentaerythritol tris (3-(1-aziridinyl) propionate''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(104) DESMODUR RF-E.—Heading 9902.12.17 is amended—

(A) by striking ''and ethyl acetate and monochlorobenzene as solvents''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(105) DESMODUR HL BA.—Heading 9902.12.18 is amended—

(A) by amending the article description to read as follows: ''1,3-Diisocyanatomethylbenzene, polymer with 1,6-diisocyanatohexane (CAS No. 63368–95–6) (provided for in subheading 3911.90.45)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(106) CERTAIN SEMI-MANUFACTURED FORMS OF GOLD.—Heading 9902.71.08 is amended—

(A) by amending the article description to read as follows: ''Wire containing 99.9 percent or more by weight of gold and with dopants added to control wirebonding characteristics, having a diameter of 0.05 mm or less, for use in the manufacture of diodes, transistors or similar semiconductor devices or electronic integrated circuits (provided for in subheading 7108.13.70)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(107) 2,2-DIMETHYLBUTANOIC ACID 3-(2,4-DICHLOROPHENYL)-2-OXO-1-OXASPIRO(4.5)DEC-3-EN-4-YL ESTER.—Heading 9902.12.02 is amended—

(A) by amending the article description to read as follows: ''3-(2,4-Dichlorophenyl)-2-oxo-1-oxaspiro[4.5]dec-3-en-4-yl 2,2-dimethylbutyrate (Spirodiclofen) (CAS No. 148477–71–8) (provided for in subheading 2932.29.10)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(108) 4-ANILINO-3-NITRO-N-PHENYLBENZENESULPHONAMIDE.—Heading 9902.03.52 is amended—

(A) by amending the article description to read as follows: ''Disperse Yellow 42 (4-Anilino-3-nitro-N-phenylbenzenesulfonamide) (CAS No. 5124–25–4) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(109) MAGNESIUM ZINC ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.24.13 is amended—

(A) by amending the article description to read as follows: ''Magnesium zinc aluminum hydroxide carbonate (CAS No. 169314–88–9) coated with stearic acid (CAS No. 57–11–4) (provided for in subheading 3812.30.90)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(110) MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.—Heading 9902.05.32 is amended—

(A) by amending the article description to read as follows: ''Magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) (CAS No. 11097–59–9) (provided for in subheading 2842.90.90); and magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) (CAS No. 11097–59–9) coated with stearic acid (CAS No. 57–11–4) (provided for in subheading 3812.30.90)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(111) DIRECT BLACK 22.—Heading 9902.25.25 is amended—

(A) in the article description, by inserting ''(trisodium 6-[(2,4-diaminophenyl)azo]-3-[[4-[[4-[[7-[(2,4-diaminophenyl)azo]-1-hydroxy-3-sulphonato-2-naphthyl]azo]phenyl]amino]-3-sulphonatophenyl]azo]-4-hydroxynaphthalene-2-sulphonate)'' after ''Direct Black 22''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(112) DISPERSE BLUE 60.—Heading 9902.03.50 is amended—

(A) by amending the article description to read as follows: ''Disperse blue 60 (4,11-diamino-2-(3-methoxypropyl)-1H-naphth(2,3-f)isoindole-1,3,5,10(2H)-tetrone) (CAS No. 12217–80–0) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(113) DISPERSE BLUE 79:1.—Heading 9902.03.46 is amended—

(A) by amending the article description to read as follows: ''Disperse blue 79:1 (N-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)azo]-4-methoxyphenyl]acetamide) (CAS No. 3618–72–2) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(114) DISPERSE ORANGE 30.—Heading 9902.03.45 is amended—

(A) by amending the article description to read as follows: ''Disperse orange 30 (3-[[2-(acetyloxy)ethyl]-[4-[(2,6-dichloro-4-nitrophenyl)azo]phenyl]amino]-propanenitrile) (CAS No. 5261–31–4) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(115) DISPERSE RED 60.—Heading 9902.03.49 is amended—

(A) by amending the article description to read as follows: ''Disperse red 60 (1-amino-4-hydroxy-2-phenoxy-9,10-anthracenedione) (CAS No. 17418–58–5) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(116) DISPERSE RED 73.—Heading 9902.03.57 is amended—

(A) by amending the article description to read as follows: ''Disperse red 73 (2-[[4-[(2-cyanoethyl)ethylamino]phenyl]azo]-5-nitrobenzonitrile) (CAS No. 16889–10–4) (provided for in subheading 3204.11.10)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(117) DISPERSE RED 167:1.—Heading 9902.03.47 is amended—

(A) by amending the article description to read as follows: ''Disperse red 167:1 (N-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-chloro-4-nitrophenyl)azo]phenyl]-acetamide) (CAS No. 1533–78–4) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(118) DISPERSE YELLOW 64.—Heading 9902.03.48 is amended—

(A) by amending the article description to read as follows: ''Disperse yellow 64 (2-(4-bromo-3-hydroxy-2-quinolinyl)-1H-indene-1,3(2H)-dione) (CAS No. 10319–14–9) (provided for in subheading 3204.11.50)''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(119) 2-(CARBOMETHOXY)BENZENESULFONYL ISOCYANATE.—Heading 9902.11.97 is amended—

(A) by amending the article descripton to read as follows: ''2-(Carbomethoxy)benzenesulfonyl isocyanate (CAS No. 74222–95–0) (provided for in subheading 2930.90.29)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(120) CERTAIN CAPERS.—Heading 9902.10.26 is amended—

(A) by amending the article description to read as follows: ''Capers, prepared or preserved by vinegar or acetic acid, in containers holding 3.4 kg or less (provided for in subheading 2001.90.20)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(121) CERTAIN CAPERS.—Heading 9902.10.28 is amended—

(A) by amending the article description to read as follows: ''Capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg (provided for in subheading 2001.90.10)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(122) FRESCOLAT MGA.—Heading 9902.24.49 is amended—

(A) by amending the article description to read as follows: ''6-Isopropyl-9-methyl-1,4-dioxaspiro[4.5]decane-2-methanol (Menthone glyceryl ketal) (CAS No. 63187–91–7) (provided for in subheading 2932.99.90)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(123) *O*-PARAQUAT DICHLORIDE.—Heading 9902.13.06 is amended—

(A) by striking ''Paraquat'' and all that follows through ''dichloride)'' and inserting ''*o*-Paraquat dichloride'';

(B) by striking ''4.41%'' and inserting ''Free''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(124) 4-[(4-AMINOPHENYL)AZO]BENZENESULFONIC ACID.—Heading 9902.02.41 is amended—

(A) by amending the article description to read as follows: ''4-[(4-Aminophenyl)azo]benzenesulfonic acid (Food Yellow 6) (CAS No. 104–23–4) (provided for in subheading 3204.12.50)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(125) TSME.—Heading 9902.11.85 is amended—

(A) by amending the article description to read as follows: ''*o*-Toluenesulfonic acid, methyl ester (CAS No. 23373–38–8) and *p*-

toluenesulfonic acid, methyl ester (CAS No. 80–48–8) (provided for in subheading 2904.90.40)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(126) ACID BLUE 324 (4-[[3-(ACETYLAMINO)PHENYL]AMINO]-1-AMINO-9,10-DIHYDRO-9,10-DIOXO-2-ANTHRACENESULFONIC ACID, MONOSODIUM SALT).—Heading 9902.25.02 is amended—

(A) by amending the article description to read as follows: ''Acid blue 324 (4-[[3-(acetylamino)phenyl]amino]-1-amino-9,10-dihydro-9,10-dioxo-2-anthracenesulfonic acid, monosodium salt) (CAS No. 70571–81–2) (provided for in subheading 3204.12.45)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(127) FERRATE(3-), TRIS[5,6-DIAMINO-1,3-NAPHTHALENEDISULFONATE(2-)-N,N′]-TRIPOTASSIUM.—Heading 9902.32.62 is amended—

(A) by amending the article description to read as follows: ''Ferrate(3-), tris[5,6-diamino-1,3-naphthalenedisulfonato(2-)-N,N′]-, tripotassium (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)'' ; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(128) 2,6-DIBROMO-4-CYANOPHENYL OCTANOATE/HEPTANOATE.—Heading 9902.10.57 is amended—

(A) by amending the article description to read as follows: ''Mixtures of 2,6-dibromo-4-cyanophenyl octanoate (bromoxynil octanoate) (CAS No. 1689–99–2) and 2,6-dibromo-4-cyanophenyl heptanoate (bromoxynil heptanoate) (CAS No. 56634–95–8) (provided for in subheading 3808.93.15)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(129) TRIMETHYL CYCLO HEXANOL.—Heading 9902.05.03 is amended—

(A) in the article description, by striking ''-1-''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(130) METHYL CINNAMATE.—Heading 9902.05.04 is amended—

(A) by amending the article description to read as follows: ''Methyl cinnamate (methyl phenylprop-2-enoate) (CAS No. 103–26–4) (provided for in subheading 2916.39.20)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(131) CIS-2-TERT-BUTYLCYCLOHEXANOL ACETATE.—Heading 9902.11.62 is amended—

(A) by amending the article description to read as follows: ''cis-2-tert-Butylcyclohexyl acetate (Agrumex) (CAS No. 20298–69–5) (provided for in subheading 2915.39.45)''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(132) YARN OF CARDED CASHMERE OF 19.35 METRIC YARN COUNT OR HIGHER.—Heading 9902.03.02 is amended—

(A) in the article description, by striking ''finer'' and inserting ''higher''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(133) TETRAETHYLTHIURAM DISULFIDE.—Heading 9902.22.28 is amended—

(A) in the article description, by inserting ''(Disulfiram)'' before ''(CAS''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(134) TETRAMETHYLTHIURAM DISULFIDE.—Heading 9902.22.29 is amended—

(A) in the article description, by inserting ''(Thiram)'' before ''(CAS''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(135) FINE ANIMAL HAIR OF KASHMIR (CASHMERE) GOATS.—Heading 9902.22.77 is amended—

(A) in the article description, by inserting '', processed beyond the degreased or carbonized condition'' after ''goats''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(136) FIPRONIL.—Heading 9902.24.16 is amended—

(A) by striking ''Free'' and inserting ''5.2%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(137) NOA 446510 TECHNICAL.—Heading 9902.12.07 is amended—

(A) by striking ''α'' and inserting ''2''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(138) HYDROXYLAMINE.—Heading 9902.01.03 is amended—

(A) by striking ''0.6%'' and inserting ''1.0%''; and

(B) by striking ''12/31/2006'' and inserting ''12/31/2012''.

(139) PHBA.—Heading 9902.29.03 is amended—

(A) by striking ''3.1%'' and inserting ''4.3%''; and

(B) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(140) THIAMETHOXAM TECHNICAL.—Heading 9902.03.11 is amended—

(A) in the article description, by striking ''[' before ''(2-chloro'' and by striking the closed parentheses after ''thiazolyl'';

(B) by striking ''Free'' and inserting ''5%''; and

(C) by striking ''12/31/2009'' and inserting ''12/31/2012''.

(142) TRIADIMEFON.—Heading 9902.10.33 is amended—

(A) by striking ''Free'' and inserting ''0.7%''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(143) CERTAIN 12V LEAD-ACID STORAGE BATTERIES.—Heading 9902.03.87 is amended—

(A) by striking ''Free'' and inserting ''0.1%''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(144) SORBIC ACID.—Heading 9902.10.25 is amended—

(A) by striking ''1.9%'' and inserting ''2%''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(145) DIETHYL KETONE.—Heading 9902.25.67 is amended—

(A) by striking ''1.3%'' and inserting ''1.4%''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(146) ETHOXYQUIN.—Heading 9902.22.32 is amended—

(A) by striking ''Free'' and inserting ''0.5%''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(147) FLUMETRALIN.—Heading 9902.02.07 is amended—

(A) by amending the article description to read as follows: ''N-(2-Chloro-6-fluorobenzyl)-N-ethyl-α,α,α-trifluoro-2,6-dinitro-p-toluidine (Flumetralin) (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)''; and

(B) by striking ''12/31/2006'' and by inserting ''12/31/2012''.

(149) POWDERED ION EXCHANGE RESIN COMPRISING A COPOLYMER OF STYRENE CROSSLINKED WITH DIVINYLBENZENE, SULPHONIC ACID, SODIUM FORM.—Heading 9902.02.34 is amended—

(A) by amending the article description to read as follows: ''Powdered ion exchange resin comprised of a copolymer of styrene, cross linked with divinyl-benzene, further reacted to provide sulfonic acid functionality (sodium form), having a nominal particle size of 0.075 mm to 0.150 mm, dried to a moisture content of not more than 10 percent (CAS No. 63182–08–1) (provided for in subheading 3914.00.60)''; and

(B) by striking ''12/31/2006'' and by inserting ''12/31/2012''.

(150) CERTAIN FIBERGLASS SHEETS.—Heading 9902.70.19 is amended—

(A) by amending the article description to read as follows: ''Smooth nonwoven fiberglass sheets, 0.40 mm or more but not over 1.65 mm in thickness, predominantly of glass fibers bound together in a polyvinyl alcohol matrix, of a type primarily used as acoustical facing for ceiling panels (provided for in subheading 7019.32.00)''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(151) CLOMAZONE.—Heading 9902.24.21 is amended—

(A) by adding at the end of the article description the following: ''and any formulations containing such compound (provided for in subheading 3808.93.15)''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(152) CYAZOFAMID.—Heading 9902.24.56 is amended—

(A) by adding at the end of the article description the following: ''and any formulations containing such compound (provided for in subheading 3808.92.15)''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(153) FLONICAMID.—Heading 9902.24.57 is amended—

(A) by adding at the end of the article description the following: ''and any formulations containing such compound (provided for in subheading 3808.91.25)''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(154) COPOLYMER OF METHYLETHYL KETOXIME AND TOLUENE DIISOCYANATE.—Heading 9902.12.12 is amended—

(A) in the article description, by striking ''toluenediisocyanate'' and inserting ''toluene diisocyanate''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

(155) N,N-DIMETHYLPIPERIDINIUM CHLORIDE.—Heading 9902.13.25 is amended—

(A) in the article description, by striking ''2933.39.25'' and isnerting ''2933.39.27''; and

(B) by striking ''12/31/2009'' and by inserting ''12/31/2012''.

SEC. 2002. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entry of an article described in any heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (as amended by this title)—

(A) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a reduced duty (as the case may be) if the amendment or amendments made by this title applied to such entry,

shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

TITLE III—ADDITIONAL EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 3001. EXTENSIONS OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS AND OTHER MODIFICATIONS.

(a) EXTENSIONS AND RENEWALS.—Each of the following headings is amended by striking the date in the effective period column and inserting ''12/31/2012'':

(1) Heading 9902.01.01 (relating to bitolylene diisocyanate (TODI)).

(2) Heading 9902.64.04 (relating to certain ski boots, cross country ski footwear, and snowboard boots).

(3) Heading 9902.12.08 (relating to hexythiazox technical).

(4) Heading 9902.23.85 (relating to lug bottom boots for use in fishing waders).

(5) Heading 9902.12.56 (relating to Avermectin B).

(6) Heading 9902.02.10 (relating to primsulfuron).

(7) Heading 9902.12.58 (relating to metalaxyl-M).

(8) Heading 9902.13.30 (relating to pymetrozine technical).

(9) Heading 9902.01.59 (relating to etridiazole).

(10) Heading 9902.01.60 (relating to 2-Mercaptoethanol).

(11) Heading 9902.01.61 (relating to bifenazate).

(12) Heading 9902.02.14 (relating to phenyl isocyanate).

(13) Heading 9902.22.20 (relating to 2,3-Dichloronitrobenzene).

(14) Heading 9902.22.71 (relating to a mixture used in ceramic arc tubes).

(15) Heading 9902.22.58 (relating to Solvent Red 227).

(16) Heading 9902.22.57 (relating to 2-Aminothiophenol).

(17) Heading 9902.22.56 (relating to 3,4-Dimethoxybenzaldehyde).

(18) Heading 9902.25.09 (relating to Propargite).

(19) Heading 9902.03.06 (relating to high tenacity multiple (folded) or cabled yarn of viscose rayon).

(20) Heading 9902.05.07 (relating to high tenacity single yarn of viscose rayon with a decitex equal to or greater than 1,000).

(21) Heading 9902.05.13 (relating to 4,4′-Oxydiphthalic anhydride).

(22) Heading 9902.25.07 (relating to 2,2,6,6-Tetramethyl-4-piperidinone).

(23) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(24) Heading 9902.29.07 (relating to 4-Hexylresorcinol).

(25) Heading 9902.29.37 (relating to certain sensitizing dyes).

(26) Heading 9902.24.10 (relating to mixtures of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl)imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]]) and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate).

(27) Heading 9902.25.22 (relating to diisopropyl succinate).

(28) Heading 9902.25.14 (relating to p-chloroaniline).

(29) Heading 9902.33.59 (relating to phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate).

(30) Heading 9902.01.45 (relating to (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro-α-(1-methylethylbenzeneacetate (Esfenvalerate)).

(31) Heading 9902.24.23 (relating to N,N-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide))).

(32) Heading 9902.25.06 (relating to pentaerythritol tetrakis[3-(dodecylthio)propionate]).

(33) Heading 9902.85.09 (relating to certain AC electric motors of an output exceeding 37.5 W but not exceeding 72 W).

(34) Heading 9902.02.30 (relating to macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized).

(35) Heading 9902.25.08 (relating to Ipconazole).

(36) Heading 9902.23.86 (relating to parts or accessories of instruments or apparatus for measuring or checking electrical quantities).

(37) Heading 9902.01.80 (relating to certain optical instruments).

(38) Heading 9902.23.88 (relating to subassemblies for instruments or apparatus for measuring or checking electrical quantities).

(39) Heading 9902.23.93 (relating to mixtures of 2-butyl-2-ethylpropane-1,3-diol and neopentyl glycol).

(40) Heading 9902.23.91 (relating to allyl pentaerythritol).

(41) Heading 9902.23.92 (relating to 2-Butyl-2-ethylpropane-1,3-diol).

(42) Heading 9902.23.97 (relating to ditrimethylol propane).

(43) Heading 9902.23.98 (relating to poly(oxy-1,2-ethanediyl), a-hydro-v-hydroxy-ether with 2,2′-(oxybis(methylene)) bis(2-hydroxymethyl)-1,3-propanediol)).

(44) Heading 9902.24.01 (relating to trimethylolpropane diallyl ether).

(45) Heading 9902.24.02 (relating to trimethylolpropane monoallyl ether).

(46) Heading 9902.23.96 (relating to 1,3-Dioxane-5-methanol, 5-ethyl-).

(47) Heading 9902.25.21 (relating to 1,8-Naphthalimide).

(48) Heading 9902.25.18 (relating to p-Acetoacetanisidide).

(49) Heading 9902.25.20 (relating to Copper Phthalocyanine Green 7, Crude).

(50) Heading 9902.25.13 (relating to p-aminobenzamide).

(51) Heading 9902.22.23 (relating to Basic Red 1:1).

(52) Heading 9902.25.15 (relating to p-chloro-2-nitroaniline).

(53) Heading 9902.23.95 (relating to polymer of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane, decanoate octanoate).

(54) Heading 9902.23.94 (relating to polymers of propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-with 2,2-bis(hydroxymethyl)-1,3-propanediol and oxirane).

(55) Heading 9902.25.11 (relating to p-toluenesulfonyl chloride).

(56) Heading 9902.24.03 (relating to trimethylolpropane oxetane).

(57) Heading 9902.05.15 (relating to 1,3-bis(4-Aminophenoxy)benzene).

(58) Heading 9902.25.19 (relating to 1-Hydroxy-2-naphthoic acid).

(59) Heading 9902.25.17 (relating to 2-Chloroacetoacetanilide).

(60) Heading 9902.25.16 (relating to 3-Chloro-4-methylaniline).

(61) Heading 9902.38.15 (relating to aqueous catalytic preparations based on iron (III) toluenesulfonate).

(62) Heading 9902.29.87 (relating to 3,4-Ethylenedioxythiophene).

(63) Heading 9902.39.15 (relating to aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly(styrenesulfonate) (cationic), whether or not containing binder resin and organic solvent).

(64) Heading 9902.01.90 (relating to certain twisted synthetic filament yarns).

(65) Heading 9902.01.91 (relating to certain untwisted synthetic filament yarns).

(66) Heading 9902.13.10 (relating to volleyballs).

(67) Heading 9902.13.08 (relating to leather basketballs).

(68) Heading 9902.12.72 (relating to mixtures of zinc dialkyldithiophosphate with an elastomer binder of ethylenepropylene-diene monomer and ethyl vinyl acetate, dispersing agents and silica).

(69) Heading 9902.12.76 (relating to mixtures of zinc dicyanato diamine with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents).

(70) Heading 9902.12.75 (relating to mixtures of N′-(3,4-dichloro-phenyl)-N,Ndimethylurea with acrylate rubber).

(71) Heading 9902.12.74 (relating to mixtures of caprolactam disulfide with an elastomer binder of ethylene-propylene-diene monomer and ethyl vinyl acetate, and dispersing agents).

(72) Heading 9902.12.78 (relating to mixtures of benzenesulfonic acid, dodecyl-, with 2-aminoethanol and poly(oxy-1,2-ethanediyl), α-[1-oxo-9- octadecenyl]-w-hydroxy-, (9Z)).

(73) Heading 9902.12.77 (relating to 4,8-Dicyclohexyl -6–2,10-dimethyl -12*H*-dibenzo[*d*,*g*][1,3,2]-dioxaphosphocin).

(74) Heading 9902.24.89 (relating to Reactive Red 123).

(75) Heading 9902.24.93 (relating to 5-[(2-Cyano-4-nitrophenyl) azo]-2-[[2-(2-hydroxyethoxy)ethyl]amino]-4-methyl-6-(phenylamino)-3-pyridine carbonitrile).

(76) Heading 9902.24.94 (relating to Cyano[3-[(6-methoxy-2-benzothiazolyl)amino]-1H-isoindol-1-ylidene]acetic acid, pentyl ester).

(77) Heading 9902.24.95 (relating to [(9,10-Dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3,1-propanediyl]]] bisbenzenesulfonic acid, disodium salt).

(78) Heading 9902.24.96 (relating to [4-(2,6-Dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b]difuran-3-yl)phenoxy]acetic acid, 2-ethoxyethyl ester).

(79) Heading 9902.03.51 (relating to 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenyl-amino)-).

(80) Heading 9902.24.86 (relating to Acid Red 414).

(81) Heading 9902.24.87 (relating to Solvent Yellow 163).

(82) Heading 9902.24.88 (relating to 4-Amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-(methylamino)-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-2,7-naphthalenedisulfonic acid, lithium potassium sodium salt).

(83) Heading 9902.22.48 (relating to certain children's footwear with outer soles of leather and uppers of leather).

(84) Heading 9902.22.47 (relating to certain work footwear for women).

(85) Heading 9902.22.85 (relating to certain lights designed for use in aircraft).

(86) Heading 9902.22.84 (relating to certain seals designed for use in aircraft).

(87) Heading 9902.22.81 (relating to marine sextants of metal designed for use in navigating by celestial bodies).

(88) Heading 9902.23.82 (relating to certain women's footwear, valued over $20/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric).

(89) Heading 9902.23.83 (relating to certain women's footwear, valued over $20/pair, not covering the ankle, with a coated or laminated textile fabric).

(90) Heading 9902.25.01 (relating to 7-[[2-[(Aminocarbonyl)amino]-4-[[4-[4-[2-[[4-[[3-

[(aminocarbonyl) amino]-4-[(3,6,8-trisulfo-2-naphthalenyl)azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-6-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-1,3,6-naphthalenetrisulfonic acid, lithium potassium sodium salt).

(91) Heading 9902.24.99 (relating to 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulfophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt).

(92) Heading 9902.24.98 (relating to 2-[[[2, 5-Dichloro-4-[(2-methyl-1H-indol-3-yl)azo]phenyl]sulfonyl]amino]-ethanesulfonic acid, monosodium salt).

(93) Heading 9902.13.46 (relating to certain decorative plates, sculptures, and plaques).

(94) Heading 9902.23.02 (relating to diaminodecane).

(95) Heading 9902.22.04 (relating to methyl methyoxyacetate).

(96) Heading 9902.03.92 (relating to N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine).

(97) Heading 9902.25.27 (relating to 2,2-(6-(4-Methoxyphenol)-1,3,5-triazine-2,4-diyl)bis(5-((2-ethylhexyl)oxy)phenol)).

(98) Heading 9902.25.26 (relating to 2,2-Methylenebis[6-(2H-benzotriazolyl-2-yl)-4-(1,1,3,3-tetramethylbutylphenol)phenol]).

(99) Heading 9902.12.01 (relating to Butralin).

(100) Heading 9902.24.39 (relating to diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide).

(102) Heading 9902.22.83 (relating to vacuum relief valves).

(b) OTHER MODIFICATIONS.—

(1) CERTAIN TEXTURED ROLLED GLASS SHEETS.—Heading 9902.70.03 is amended—

(A) by striking the article description and inserting the following: ''Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges or ovens described in subheading 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(2) PYRIDABEN.—Heading 9902.22.08 is amended—

(A) by striking the article description and inserting the following: ''2-*tert*-Butyl-5-(4-*tert*-butylbenzylthio)-4-chloropyridazin-3(2*H*)-one (Pyridaben) (CAS No. 96489–71–3) (provided for in subheading 2933.99.22)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(3) CLOQUINTOCET-MEXYL.—Heading 9902.12.57 is amended—

(A) in the article description, by striking ''2933.49.30'' and inserting ''2933.49.60''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(4) CLODINAFOP-PROPARGYL.—Heading 9902.12.55 is amended—

(A) by striking ''1.7%'' in the column 1 general rate of duty column and inserting ''2.9%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(5) FLUDIOXONIL.—Heading 9902.12.54 is amended—

(A) by striking the article description and inserting the following: ''1H-Pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-(fludioxonil) (CAS No. 131341–86–1) (provided for in subheading 2934.99.12)'';

(B) by striking ''1.6%'' in the column 1 general rate of duty column and inserting ''1.0%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(6) PINOXADEN.—Heading 9902.12.60 is amended—

(A) by striking ''1.8%'' in the column 1 general rate of duty column and inserting ''1.1%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(7) AZOXYSTROBIN.—Heading 9902.02.06 is amended—

(A) by striking the article description and inserting the following: ''Benzeneacetic acid, (E)-2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-α-(methoxymethylene)-, methyl ester (azoxystrobin) (CAS No. 131860–33–8) (provided for in subheading 2933.59.15)'';

(B) by striking ''Free'' in the column 1 general rate of duty column and inserting ''5.5%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(8) CYPROCONAZOLE.—Heading 9902.12.59 is amended—

(A) in the article description, by striking ''2934.99.12'' and inserting ''2933.99.22''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(9) MIXED XYLIDINES.—Heading 9902.22.36 is amended—

(A) in the article description, by striking ''2921.49.50'' and inserting ''2921.49.45''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(10) LIQUID-FILLED GLASS BULBS, DESIGNED FOR SPRINKLER SYSTEMS AND OTHER RELEASE DEVICES.—Heading 9902.24.26 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''0.9%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(11) GOLF BAG BODIES MADE OF WOVEN FABRICS OF NYLON OR POLYESTER SEWN TOGETHER WITH POCKETS, AND DIVIDERS OR GRAPHITE PROTECTORS, ACCOMPANIED WITH RAINHOODS.—Heading 9902.23.24 is amended—

(A) by striking the article description and inserting the following: ''Golf bag bodies made of woven fabrics of nylon or polyester sewn together with pockets, and dividers or graphite protectors, accompanied with rainhoods (provided for in subheading 6307.90.98)'';

(B) by striking ''Free'' in the column 1 general rate of duty column and inserting ''1.5%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(12) PYRACLOSTROBIN.—Heading 9902.01.21 is amended—

(A) by striking ''6%'' in the column 1 general rate of duty column and inserting ''6.2%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(13) PEPPERONCINI PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID, NOT FROZEN.—Heading 9902.10.27 is amended—

(A) by striking the article description and inserting the following: ''Pepperoncini, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.99.55)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(14) PEPPERONCINI PREPARED OR PRESERVED BY VINEGAR.—Heading 9902.10.29 is amended—

(A) by striking ''2.2%'' in the column 1 general rate of duty column and inserting ''4.3%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(15) ETHYL 2-(ISOCYANATOSULFONYL)BENZOATE.—Heading 9902.11.96 is amended—

(A) by striking the article description and inserting the following: ''Ethyl 2-(Isocyanatosulfonyl)benzoate (CAS No. 77375–79–2) (provided for in subheading 2930.90.29)''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(16) CERTAIN RAYON STAPLE FIBERS.—Heading 9902.55.04 is amended—

(A) in the article description, by striking ''filaments'' and inserting ''staple fibers'';

(B) by striking ''Free'' in the column 1 general rate of duty column and inserting ''1.8%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(17) AZOXYSTROBIN.—Heading 9902.12.51 is amended—

(A) by striking ''6.17%'' in the column 1 general rate of duty column and inserting ''3.1%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(18) CERTAIN EDUCATIONAL DEVICES.—Heading 9902.85.43 is amended—

(A) by striking ''0.55%'' in the column 1 general rate of duty column and inserting ''1.6%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(19) CERTAIN BAGS FOR TOYS.—Heading 9902.01.78 is amended—

(A) by striking the article description and inserting the following: ''Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of heading 9503 or 9504, imported and sold with such articles therein'';

(B) by striking ''Free'' in the column 1 general rate of duty column and inserting ''8.9%''; and

(C) by striking the date in the effective period column and inserting ''12/31/2012''.

(20) ARTICHOKES PREPARED OR PRESERVED BY VINEGAR OR ACETIC ACID.—Heading 9902.03.90 is amended—

(A) by striking ''7.9%'' in the column 1 general rate of duty column and inserting ''6.64%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(21) ARTICHOKES PREPARED OR PRESERVED OTHERWISE THAN BY VINEGAR OR ACETIC ACID.—Heading 9902.03.89 is amended—

(A) by striking ''13.8%'' in the column 1 general rate of duty column and inserting ''13.34%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(22) CERTAIN CASES OR CONTAINERS TO BE USED FOR ELECTRONIC DRAWING TOYS, ELECTRONIC GAMES, OR EDUCATIONAL TOYS.—Heading 9902.11.90 is amended—

(A) in the article description, by inserting '', or educational toys or devices of heading 8543'' after ''or 9504''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(23) BASKETBALLS OTHER THAN OF LEATHER OR RUBBER.—Heading 9902.13.07 is amended—

(A) by striking ''0.9%'' in the column 1 general rate of duty column and inserting ''1.1%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(24) METHYLIONONE.—Heading 9902.11.10 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''0.6%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(25) CERTAIN CHILDREN'S FOOTWEAR WITH UPPERS OF VEGETABLE FIBERS.—Heading 9902.13.92 is amended—

(A) by striking ''6.5%'' in the column 1 general rate of duty column and inserting ''7.1%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(26) CERTAIN MEN'S FOOTWEAR WITH UPPERS OF VEGETABLE FIBERS.—Heading 9902.13.91 is amended—

(A) by striking ''4.5%'' in the column 1 general rate of duty column and inserting ''6.4%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(27) CERTAIN CHILDREN'S FOOTWEAR WITH UPPERS OF LEATHER OR COMPOSITION LEATHER.—Heading 9902.22.46 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''9.5%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(29) RUBBER BASKETBALLS.—Heading 9902.13.09 is amended—

(A) by striking ''1.5%'' in the column 1 general rate of duty column and inserting ''0.7%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(30) CERTAIN WOMEN'S FOOTWEAR, VALUED OVER $20/PAIR, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.78 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''13.6%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(31) CERTAIN MEN'S FOOTWEAR, VALUED OVER $20/PAIR, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.77 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''27.6%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(32) CERTAIN MEN'S FOOTWEAR, VALUED OVER $20/PAIR, WHOSE HEIGHT FROM THE BOTTOM OF THE OUTER SOLE TO THE TOP OF THE UPPER DOES NOT EXCEED 8 INCHES, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.76 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''24.7%''; and

(B) by striking the date in the effective period column and inserting ''12/31/2012''.

(33) CERTAIN WOMEN'S FOOTWEAR, VALUED OVER $20/PAIR, COVERING THE ANKLE, WITH A COATED OR LAMINATED TEXTILE FABRIC.—Heading 9902.23.75 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''25%''; and

(B) by striking the date in the effective column period and inserting ''12/31/2012''.

(34) CERTAIN MUSIC BOXES.—Heading 9902.13.47 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''0.2%''; and

(B) by striking the date in the effective column period and inserting ''12/31/2012''.

(35) CERTAIN ACETAMIPRID, WHETHER OR NOT COMBINED WITH APPLICATION ADJUVANTS.—Heading 9902.01.72 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''0.8%''; and

(B) by striking the date in the effective column period and inserting ''12/31/2012''.

(36) ERASERS OF VULCANIZED RUBBER OTHER THAN HARD RUBBER OR CELLULAR RUBBER.—Heading 9902.25.51 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''0.2%''; and

(B) by striking the date in the effective column period and inserting ''12/31/2012''.

(37) ELECTRICALLY OPERATED PENCIL SHARPENERS.—Heading 9902.22.82 is amended—

(A) by striking ''Free'' in the column 1 general rate of duty column and inserting ''0.4%''; and

(B) by striking the date in the effective column period and inserting ''12/31/2012''.

(38) CERTAIN AC ELECTRIC MOTORS OF AN OUTPUT EXCEEDING 74.6 W BUT NOT EXCEEDING 85 W.—The second heading 9902.85.06 (relating to certain AC electric motors of an output exceeding 74.6 W but not exceeding 85 W)—

(A) is redesignated as heading 9902.85.10; and

(B) is amended by striking the date in the effective column period and inserting ''12/31/2012''.

SEC. 3002. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RETROACTIVE APPLICABILITY.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to paragraph (2), the entry of an article described in any heading of subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States (as amended by this title)—

(A) which was made on or after January 1, 2010, and before the 15th day after the date of the enactment of this Act, and

(B) with respect to which there would have been no duty or a reduced duty (as the case may be) if the amendment or amendments made by this title applied to such entry,

shall be liquidated or reliquidated as though the entry had been made on the 15th day after the date of the enactment of this Act.

(2) REQUESTS.—A liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with U.S. Customs and Border Protection not later than 180 days after the date of the enactment of this Act that contains sufficient information to enable U.S. Customs and Border Protection—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry of an article under paragraph (1) shall be paid, without interest, not later than 90 days after the date of the liquidation or reliquidation (as the case may be).

(4) DEFINITION.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

TITLE IV—CUSTOMS USER FEES; TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES; PAYGO COMPLIANCE

SEC. 4001. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''November 10, 2018'' and inserting ''December 10, 2018''; and

(2) in subparagraph (B)(i), by striking ''August 24, 2018'' and inserting ''November 30, 2018''.

(b) RELATED TECHNICAL CORRECTION.—

(1) IN GENERAL.—Section 11 of the Haiti Economic Lift Program Act of 2010 (Public Law 111–171; 124 Stat. 1207) is amended in the matter preceding paragraph (1) by inserting ''Budget'' before ''Reconciliation''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Haiti Economic Lift Program Act of 2010.

SEC. 4002. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 0.5 percentage points.

SEC. 4003. 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 the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

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

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I urge Members to support the U.S. Manufacturing Enhancement Act of 2010, also known as the Miscellaneous Tariff Bill, MTB.

The MTB temporarily reduces or suspends tariffs on raw materials and components used in U.S. manufacturing. This bill is a shot in the arm for U.S. manufacturers and workers who need these products to keep making their goods and supporting American jobs. I want to underscore that point. This bill supports U.S. manufacturing jobs.

Provisions in this bill reduce tariffs on inputs that are used for numerous industries, including chemical, pharmaceutical, automotive, agricultural, textiles, electronics, machinery and equipment.

When the cost of these inputs is lowered, U.S. producers' overall costs are reduced, making their products more competitive in this market and globally, and that increased competitiveness translates into increased production and more jobs.

All of these provisions have been extensively vetted to ensure that the inputs covered by any tariff suspensions are not made here. In the vetting process, there is review by the administration, by the independent ITC, and also there is an opportunity for public comment.

So, as a result we have, for example, the two leading textile associations who represent an industry that has been hard hit by global competition view the MTB as key to their competitiveness.

I quote NCTO, saying, MTB is ''a critical cost reduction measure for many U.S. manufacturers, supporting domestic production and employment.'' And that's why the bill is supported by U.S. manufacturing.

The NAM has said this about MTB, ''one of the most important short-term actions Congress can take to preserve

and expand good American jobs, cut the costs of doing business in the United States and boost American manufacturing exports,'' and the U.S. Chamber has said, alike, the same thing.

We have been, in the past, considering duty suspension bills like this since the 97th Congress, and usually, indeed in every case, they have been noncontroversial and supported on a bipartisan basis.

And I quote two documents recently put out by Ways and Means Republicans, my colleagues. I quote from that put out under the name of a ranking member, the distinguished Member from Michigan, DAVE CAMP. And I quote his description of the MTB. ''The bill helps U.S. manufacturers and their employees compete by temporarily reducing duties on foreign-made intermediate products or materials and some finished products that are not made domestically or where there is no domestic opposition.

□ 1040

Such reductions or suspensions reduce the costs for U.S. employers. If there is any objection to including a specific provision, such as because a U.S. manufacturer is identified, the item is dropped from the bill.''

I also quote a recent statement by the ranking member, Mr. BRADY, on the Subcommittee on Trade: ''This traditionally bipartisan legislation reduces unnecessary costs for American businesses and consumers and increases U.S. competitiveness. A model of transparency, the bill is carefully vetted during a long public process to ensure domestic producers are protected. As the ranking member of the Trade Subcommittee of Ways and Means, I have long been a strong advocate for it and have called for its passage for the past 3 years.''

So what's changed? What changed was that the Republican Conference decided recently to oppose all earmarks. The House rules distinguish between earmarks and limited tariff benefits; they are defined separately in the rules. So therefore there is really no basis for lumping them together; and when they are lumped together, manufacturers and their workers in this country will be taking their lumps.

So I close with this: in terms of transparency, this process is thorough, rigorous, and transparent to ensure there is no domestic opposition. As indicated, the ITC has to vet this. And all of the information from this extensive review process can be found on the Ways and Means Committee Web site. As a result, the Sunlight Foundation, which has been in the lead in favor of transparency, has called this process ''transparency done right.''

In sum, a vote for H.R. 4380 is a vote for U.S. manufacturing and U.S. jobs. And so I hope my Republican colleagues, many of them who have businesses and workers in their districts which need this help and many of whom have introduced legislation incorporated in this bill, I hope they will join the Democrats and stand up for American businesses and workers and support this legislation.

I reserve the balance of my time.

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

I'm disappointed that I can't support this legislation. The Miscellaneous Tariff bill has long been a bipartisan effort that helps both American manufacturers and consumers obtain lower-cost access to products that aren't made in the United States.

I appreciate the chairman following my statements so carefully and even quoting them to this House, because the process used to assemble this legislation is a model in transparency and accountability. It has been a long-standing process used by many Congresses under both Republican and Democrat control, and it should serve as an example of how similar legislation should be prepared.

Every provision is first introduced as a separate bill. Each provision is vetted by the administration and by the U.S. ITC, the International Trade Commission, and is subject to public notice and comment. All information is posted on the committee Web site. And any provision receiving any opposition is removed from the final package.

In my view, this bill technically does not contain earmarks in the form of limited tariff benefits. Each provision lowers duties on imports; and any company or entity or person that imports that product receives the benefit of those lower duties, not just those few that we can positively identify today. But despite these facts, Democrats have written the rules of the House in such a way as to treat limited tariff benefits like other earmarks, and the Democrats were wrong to do so.

The Republican Conference has taken the position, and correctly so, that we are taking a 1-year moratorium on all the provisions included in the Democrat rule to demonstrate our commitment to getting government spending under control. I am committed to both the letter and spirit of that moratorium and therefore will vote against the bill.

In fact, the majority is well aware of our earmark ban, and I can't help but wonder if this wasn't put on the suspension calendar after 3½ years without a vote so that it would fail and they might avoid taking the blame. It's a sham and it won't work. The business community knows it, the American workers whose jobs depend on it know it, and we know it. Democrats have had 3½ years to pass the Miscellaneous Tariff bill and they have failed to do so.

Congress has not passed a miscellaneous tariff bill since December of 2006, right before the Democrats took the majority and except for the Peru Free Trade Agreement have brought no trade legislation to the floor in the time that they have been in the majority. Given the state of our economy, given the loss of jobs, I think that record is not only an embarrassing one; it's a shameful one.

And the record speaks for itself. Republicans have long supported the MTB and U.S. employers, while the Democrats have written the rules of the House to discriminate against this bill. Under this majority, business investment and hiring are frozen in the face of looming tax hikes, smothering government regulation, and little, very little—frankly, no action on the trade agenda. A true commitment to trade and the good-paying U.S. jobs it provides would involve passing the pending bilateral trade agreements which economically are even more important to this country than the bill before us today.

Mr. Speaker, what you're seeing today is merely one more attempt by the majority to distract American workers and employers from the real damage they've done to the American economy. This legislation cannot overcome the $670 billion in new taxes already passed by this Congress and the billions more coming. It cannot overcome the anti-business attitude of so much of the legislation produced by the majority.

Mr. Speaker, if my friends on the other side of the aisle were truly interested in helping American manufacturers, they would be lowering taxes, knocking down trade barriers, and supporting the private sector. This legislation is no substitute for those policies.

The House should take a breather from earmarks as called for in the moratorium from the Republican Conference. It is unfortunate that this pause includes the MTB; but we didn't write the rule, the majority did. I urge my colleagues to show the American people that we are serious about reforming the way Washington works and vote ''no.''

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

Rule XXI, clause 9, specifically defines congressional earmarks in one clause and limited tariff benefits in another. You lump them together, you are lumping hurt against manufacturing in the U.S.

I yield 3 minutes to the gentleman who chairs the Trade Subcommittee, my colleague from Tennessee (Mr. TANNER).

Mr. TANNER. Thank you, Mr. Chairman.

I guess this probably symbolizes as much as anything what's wrong with Congress. Here are people who get up and say this is a good bill that's good for job creation in this country, it had been bipartisan for 30 years, and because we made a mistake in the Republican Conference with respect to lumping it in as some sort of earmark, we have to oppose it, even though it's good for job creation in this country and good for our Nation. This is almost Alice in Wonderland where up is down

and down is up. I have to vote against a bill I know will help create jobs because they did it when they wrote the rules. And we misinterpreted the rules, so now we're going to have two wrongs make a right.

If job creation is important, and everyone knows that this bill will help create jobs in the United States of America, it seems to me that to vote against it for the reasons—and by the way, part of the time delay was because of a Senator in the other body who is in the Republican Party. But all that aside, if we cannot rise above some inane technicality that is in the rules that we just don't like or we can't interpret correctly, or whatever, and we're going to vote against American workers and the industrial base of this country because of that, then I suggest we give our voting cards to whoever the leadership of the Republican Conference is and go home.

□ 1050

What do we have brains for? We are not supposed to park our brains at the door because of some sort of partisan political advantage we think we might be able to get by hurting our own country.

I would like to place in the RECORD a series of letters of support from the National Association of Manufacturers, the Chamber of Commerce, AMTAC, NCTO, and from U.S. manufacturers all across the Nation.

They say this is for us to create jobs. I know I'm running out of time, but this is a perfect example of what is wrong with this House of Representatives—when we put partisan politics ahead of the country's interest.

UNITED STATES OF AMERICA
CHAMBER OF COMMERCE,
Washington, DC, July 19, 2010.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports H.R. 4380, the ''Miscellaneous Trade and Technical Corrections Act,'' commonly referred to as the Miscellaneous Tariff Bill (MTB). Tens of thousands of American workers and hundreds of American companies depend on the MTB for relief from tariffs that serve only to raise costs for U.S. manufacturers and other U.S. businesses.

According to guidelines established by Congress, the MTB is a vehicle for the temporary suspension or reduction of duties levied on imported materials or intermediate products that are not produced domestically, or where there is no domestic opposition. By eliminating these tariffs, the MTB lowers costs and helps U.S. businesses maintain their competitive edge.

The process for approving products for duty suspension under the MTB is fully transparent. All tariff suspension requests go through a vetting process to determine whether any affected products are produced domestically or whether there is any domestic opposition. Requests are subject to review by the Department of Commerce, the Office of the U.S. Trade Representative, U.S. Customs and Border Protection, and the U.S. International Trade Commission. Opportunities for public comment are provided by both the executive branch and Congress.

Since the expiration of the last MTB on December 31, 2009, U.S. businesses both large and small have faced higher costs for imported inputs not available from domestic sources. The savings afforded by the MTB will help these firms to invest in training and equipment and enhance their competitiveness.

Given its importance for preserving American jobs, the MTB should receive the same strong bipartisan support it has in the past, and the Chamber urges you to support its swift approval. The Chamber will consider including votes on, or in relation to, this issue in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, July 20, 2010.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges you to support H.R. 4380, the U.S. Manufacturing Enhancement Act, also known as the Miscellaneous Tariff Bill (MTB).

The MTB is one of the most important short-term actions Congress can take to preserve and expand good American jobs, cut the costs of doing business in the United States and boost American manufacturing exports. U.S. manufacturers large and small use the MTB's tariff suspension provisions to obtain raw materials, proprietary inputs and other products that are not available in our nation.

Without the MTB, the cost of these companies' products will inevitably increase, forcing them to pass higher costs on to consumers and making their products less competitive. These higher costs translate into lost jobs for American workers.

The MTB process is wholly transparent and open to the public. Each proposed duty suspension is subject to a meticulous and non-partisan vetting process to ensure that no domestic producers of the affected product exist. The International Trade Commission, U.S. Commerce Department, U.S. Customs and Border Protection, Office of Management and Budget and the congressional committees of jurisdiction collaborate to review each proposed duty suspension.

A July 2009 study by economist Andrew Szamosszegi of Capital Trade, Inc. concluded that, if enacted, the MTB would increase U.S. production by $4.6 billion and support almost 90,000 jobs. Costs savings realized under the MTB allow U.S. companies to maintain competitive operations, invest in new facilities and re-train workers. Few bills give Members of Congress such a clear opportunity to support American manufacturing jobs. We urge your support for H.R. 4380.

The NAM's Key Vote Advisory Committee has indicated that all votes related to H.R. 4380, including procedural motions and votes under suspension, may be considered for designation as Key Manufacturing Votes in the 111th Congress.

Thank you for your consideration.

Sincerely,

JAY TIMMONS.

NATIONAL COUNCIL OF TEXTILE ORGANIZATIONS,
Washington, DC.

On behalf of the National Council of Textile Organizations, we write to urge a YES vote on H.R. 4380, the Miscellaneous Trade and Technical Corrections Bill of 2009. H.R. 4380 is expected to be considered on the House floor Wednesday July 21, 2010.

H.R. 4380 supports U.S. jobs in the textile industry by suspending duties in whole or in part on acrylic and rayon fibers. Acrylic fiber is the primary raw material and highest cost input for U.S. textile manufacturers that utilize these fibers. Acrylic must be imported because there is no domestic supplier for this product and the average duty is 6 percent. Because of the unique characteristics of these fibers—water resistant, fade resistant, and durability—manufacturers who use these raw materials are at the high-end of the value-added chain. U.S. textile producers are able to compete against foreign manufacturers IF they have access to raw materials at competitive prices. Over the last nine months, prices for acrylic fiber have increased 50 percent. On top of this companies are paying full duty at six percent on top of this enormous price increase means that textile mills are losing profit margins. If this situation continues further into 2010 the viability of our mills and workers will be put at risk.

In addition, rayon fibers are no longer produced in the United States and are unlikely to be produced here in the foreseeable future and, through the MTB bill, have been at zero duty for many years. Today, imports of these essential fibers are now being taxed equal to 5 to ten cents per pound of fiber. Rayon fibers have a wide-range of applications including apparel, home furnishings and industrial fabrics. An extension of the current duty suspension on these fibers is justified, necessary, and would continue to improve the international competitiveness of the U.S. textile industry.

The most recent recession has put immense pressure on textile manufacturers to further evolve their business model through innovation, advanced mechanization, and lean manufacturing practices in order to remain globally competitive. Payment of duty on acrylic and rayon fibers diminishes this competitive advantage and in many cases has eliminated any profit margins for companies that rely on these fibers as part of their manufacturing process.

A textile mill can support an entire community; and over the past decade the industry has lost an untold number of mills most of which were located in the Southeast where the unemployment rates per county far exceed the national average. Given that textile mills are closing in some of the hardest hit areas of the country it is more important than ever to ensure that the industry is able to import components that are no longer made in the United States.

NCTO strongly believes that duty suspensions are extremely beneficial to U.S. manufacturers and promotes U.S. competitiveness. In addition, there has been significant debate surrounding whether a duty suspension constitutes an earmark. NCTO believes that a duty suspension should not constitute what is defined as an earmark. The entire duty suspension process is transparent and contributes to the preservation and creation of U.S. jobs and provides domestic producers with necessary tools to be globally competitive.

We urge all members of the Textile Caucus to support the Miscellaneous Trade and Technical Corrections Bill of 2009 since it is a critical cost reduction measure for many U.S. manufacturers, supporting domestic production and employment. If you have any questions regarding H.R. 4380 please feel free to email me or call (202) 822–8026.

Sincerely,

SARAH FAYE PIERCE,
Senior Vice President, National Council of Textile Organizations (NCTO).

AMERICAN MANUFACTURING
TRADE ACTION COALITION,
Washington, DC, July 19, 2010.

DEAR U.S. REPRESENTATIVE: The American Manufacturing Trade Action Coalition (AMTAC) strongly urges you to vote in favor of H.R. 4380, the U.S. Manufacturing Enhancement Act of 2010, also known as the miscellaneous tariff bill (MTB). H.R. 4380 has been placed on the House suspension calendar for this week and is listed as item #24.

The MTB helps U.S. manufacturers compete at home and abroad by temporarily suspending or reducing duties on inputs that are not made domestically, or where there is no domestic opposition.

Such suspensions or reductions reduce input costs for U.S. business and ultimately increase the competitiveness of their products.

For example, H.R. 4380 includes fiber-related provisions that will significantly reduce costs associated with various synthetic, acrylic and rayon staple fibers and filaments. Our textile members have experienced longstanding problems sourcing these components in the United States and will benefit significantly from lowered costs for imported sources.

Adding to the urgency of this bill, all of the duty suspensions and reductions put into place by the last MTB have expired, and the U.S. government re-imposed full duties as of January 1, 2010. This has raised production costs for U.S. manufacturers using these components as they struggle to emerge from a severe recession.

While AMTAC is often a critic of U.S. trade policy, the MTB is one element that is actually extremely beneficial to U.S. manufacturers and promotes U.S. competitiveness. In addition, there has been a lot of confusion surrounding whether the MTB constitutes an earmark. We feel that this label is misplaced, as the MTB process is an extremely valuable program for U.S. producers and workers. Furthermore, it is an extremely transparent process that is handled as a collaboration among Congress, private industry, the executive branch, the U.S. International Trade Commission. Only noncontroversial provisions are included.

We urge members to support the MTB since it is a critical cost reduction measure for many U.S. manufacturers, supporting domestic production and employment. Thank you for your consideration of our views on this important matter and please fell free to contact me if you have any questions.

AUGUSTINE TANTILLO,
Executive Director.

Mr. CAMP. Mr. Speaker, at this time I yield such time as he may consume to the ranking member of the Trade Subcommittee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I would like to support this legislation, but I cannot.

As Mr. CAMP has pointed out, this has always been a bipartisan process. When Republicans were in the majority, we regularly prepared this legislation in a bipartisan, transparent manner. It was bipartisan because Democrats and Republicans worked together to review every provision and to ensure there was no opposition to any provision and that it protected American companies. It was transparent because every provision was reviewed by the U.S. International Trade Commission, and the ITC's report was posted online for all of America to review. Every provision was subject to public notice and comment.

I am happy to say, and I compliment our Democrat majority for continuing these transparent policies in this legislation, but as lead Republican originally on this bill, however, I will vote against this legislation because it violates the letter and the spirit of the Republican moratorium on earmark requests. Congress has to get a handle on earmarks. There is no question about it.

While the miscellaneous tariff bill, the one we are looking at today, ought to be a model for the way other committees deal with the earmark requests, in the House rule, clause 9, the majority's overbroad and, I think, carelessly written effort to handle the earmark problem has, unfortunately, netted these provisions. As a result, in establishing a moratorium to discipline the process, Republicans have no choice but to include a miscellaneous tariff bill. That is the only reason I'm voting against this bill.

I guess I am puzzled. This is no surprise. We visited as Republicans and Democrats on this issue, trying to find a way forward for months now. If you are truly serious about passing this measure, why would you demand a supermajority that ensures its defeat rather than a normal majority vote that ensures its passage? For months, we've said we cannot help the moratorium on this bill this year, and we are sincere about it. By choosing the suspension route, you have killed this bill.

So the question is: Where do we go from here?

We have so many trade issues that we face as Republicans and Democrats. We have differences about what that trade agenda should be. I worry—and others do—that we have moved to the sidelines. Other countries have stepped ahead of us, selling their products ahead of U.S. products. We've seen this in Colombia, where American farmers have now lost half of our market because of our benching ourselves as a country.

We have to find a bipartisan way forward on opening new markets for U.S. companies. We have to find a bipartisan way forward on facilitating trade, on modernizing our own customs and border processes to allow trade while we become more secure. We have to find a bipartisan way forward on the pending trade agreements with Colombia and Panama and Korea. The President has asked us to find a way forward as he tries to as well.

We have to find a way forward in a bipartisan manner on China—on currency, on protecting intellectual property rights, on setting standards and rules for trade throughout this world. We have a lot at stake in working together, which is why I think choosing the most confrontational method on this bill is shortsighted and why, unfortunately, this bill will be defeated—because of the choice to seek a supermajority rather than the normal route of a majority vote in this House.

Reluctantly but strongly, I oppose this bill because of the earmark moratorium. I am hopeful that the majority will bring this back under regular order. Democrats with an almost supermajority in this House already can pass this bill, but we have been very open from the beginning about the fact that, if it is brought up under suspension, it will die. I regret that. I would encourage us to find a bipartisan way forward on trade and facilitation on the miscellaneous tariff bill.

Mr. LEVIN. I yield myself 10 seconds.

Mr. BRADY, it is your choice.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I stand in support of this job-creating legislation. This legislation before us today is going to advance American manufacturing competitiveness in an increasingly global economy, and it furthers our goal of doubling exports over the next 5 years. Yet we hear strong opposition to this legislation today. Let me tell you something: It's Orwellian what you just heard—or, in street parlance, it's a reach.

There is clearly an opportunity for us to get past some of the pettiness of this institution and move forward on legislation that at one time would guarantee 400 votes. There is nothing that we are attempting to hide with this legislation. The markings have been posted on the Internet. Now, our opponents have even authored some of these provisions. They have decided, if somehow they help an American company, that it's dirty business.

One of the provisions that I've offered in this bill today helps a manufacturing company in my district—and by the way, it's headquartered in a Republican Member's district, a Member who, apparently, is going to vote against it today, and we are going to hear opposition that doesn't stand up under the magnifying glass.

These tariff reductions are simply taxes on imports, but these imported products are based upon no American manufacturer making them; so it only raises taxes on the cost of an American importer who uses the raw material to create a marketable product for sale. This bill will lower production costs and increase American manufacturing competitiveness.

Now, the U.S. Chamber of Commerce and the National Association of Manufacturers and others have said this is a job booster, estimated to increase the GDP by—listen to this—several billion dollars. This has been a model for bipartisanship in the past, for transparency and for good policy that promotes American manufacturing and jobs, which ought to be our current and lasting priority—but today, things have changed.

There is no other bill, no other legislative process that requires the same magnitude of disclosure that this legislation does. No other bill requires the certification that this legislation does. It is a model for sunlight and transparency. Yet some today will urge a

vote against this legislation? I'm not one of them. I am glad to stand here and to support the provision that I have offered that will help a company in my district that supports 500 very good jobs.

I urge adoption.

Mr. CAMP. At this time, Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I want to begin by praising my colleagues Messrs. CAMP and BRADY for the hard work they have put into the overall job-creating and trade agenda.

We all know very well that opening up new markets for U.S. goods and services around the world is one of the most important things that we can do if we, in fact, are going to do what everybody says we want to do, and that is to create good American jobs.

□ 1100

We have pending, as we all know, the Colombia and Panama agreements and the South Korea agreement. It's wonderful to hear the kinds of supportive remarks that come regularly from the President of the United States. After the G–20 meeting, he was very supportive of it. He stood right here when he addressed us in his State of the Union message saying that he thought it very important that we pass the Colombia and the Peru agreements, but he has yet to send them up. And so I will say that we are all anxiously awaiting the arrival of those job-creating measures.

Now, what is it that we're doing here?

And, Mr. Speaker, I've got to say that I always pride myself on being a bit of a Reagan optimist and occasionally skeptical, and I don't want to say that I've moved over toward cynicism. But when we have a measure like this that is being brought up under the suspension the rules, which, as Mr. BRADY said, will, in fact, die if we're not going to get it, it means that the majority understands full well that this measure ain't going to happen.

Now, let's look at what is it that has gotten us to the point where we are, Mr. Speaker. The fact of the matter is we made it very clear that in our attempt to rein in Federal spending, the notion of continuing to expand earmarks was a nonstarter for us. And so our Republican leader, Mr. BOEHNER, encouraged all of us under his leadership to say that we would have a moratorium on earmarks.

Well, Mr. Speaker, it was not until the 110th Congress, not until this Congress, under the rules established by the Democratic majority, did we have these tariff measures included under the earmark designation. And so, while there's criticism leveled at us over here, the fact is, you all, Mr. Speaker, your party, actually designed this new definition, which included these measures under earmarks. And so the majority knew full well that those of us who are opposed to this dramatic expansion and earmark spending would, in fact, come to the conclusion that we would not be supportive of this measure, as much as we would like to, as much as we are passionately committed, I believe more so than many of our colleagues on the other side of the aisle. We're more passionately committed to the notion of breaking down tariff and nontariff barriers to encourage the free flow of goods and services around the world. As much as we would like to do that, the majority knew full well that creating, under their new definition——

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

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

Mr. DREIER. That under their definition, under their definition, Mr. Speaker, what is it that's happened?

They knew that we would not be in a position to do this. And so it is with a great deal of regret that I join with Mr. CAMP and Mr. BRADY and encourage our colleagues to vote ''no'' but to say that, as Mr. BRADY pointed out, a bipartisan agreement that could allow us to address these measures is something that we should be working on and we could do in the House Rules Committee.

And so I will say, just as we are ready, willing, and able to take on and, I hope, pass the South Korea, Colombia, and Panama agreements if the President were to send them up, I stand ready, willing, and able to work in the Rules Committee in a bipartisan way to make sure that we can address this issue and bring it here so that we can work together to create good American jobs.

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

The rule has separate provisions on congressional earmarks and limited tariff benefits. You are using an excuse that does not exist.

I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a distinguished member of our committee.

Mr. DOGGETT. The Republicans do, indeed, have a moratorium. It's a moratorium on cooperation. It's a moratorium on voting for good bills they say they're for. It's a moratorium on reality.

They never miss an opportunity to let their rigid ideology get in the way of us doing something for America, and that's what's happening here today. We reach out a hand on a bill they say they're for and they slap it back.

Let me say just a word about openness in government, which has a lot to do with earmarks and this bill, because it's too often good talk but little meaningful action.

In the past, this very piece of legislation to spend or reduce hundreds of individual tariffs for specific businesses has been a troubling example of government in the shadows. As in previous Congresses, when I first attempted to learn more about what was in this bill, I found it an impenetrable process. Even my efforts as a member of the committee of jurisdiction to determine specifics about this bill were initially thwarted.

True to its name, the Sunlight Foundation shed light on this opaque process. In 2008, it took on the laborious task of creating a database to improve the public's ability to understand who would benefit from the bill, at the request of which lobbyist, and for which corporation.

This year, the Ways and Means Committee, under the leadership of Chairman LEVIN, has built upon the Sunlight Foundation's laudable work, substantially changing the secretive process of the past that governs the Miscellaneous Tariff Bill.

I'm pleased to have worked with the Sunlight Foundation and Chairman LEVIN to make this official database a reality. Now any citizen can look up the details of this bill, learn who the winners and losers were, and see who pushed them over the finish line. Today we have not only a new name for this legislation, but we have a new process involving public participation and understanding in its development.

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

Mr. LEVIN. I yield an additional 15 seconds to the gentleman.

Mr. DOGGETT. This is just the latest example of public access in this Congress. With the encouragement of the Sunlight Foundation and other public interest groups, we must continue building on such success, arming citizens with the tools they need to make informed decisions.

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

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), another distinguished member of our committee.

Mr. BLUMENAUER. I rise in support of this legislation today. I've worked on miscellaneous tariff bills in the past that are important to open up markets here at home.

One of the areas that I've been involved with over the years has dealt with the bicycle industry, which benefits dramatically. It's a $133 billion part of the United States economy. It supports over a million jobs, generates almost $20 billion in taxes. We've got elements here that are not manufactured in the United States that are necessary for the bicycle industry to thrive. I'm pleased that they're in this legislation.

But I am stunned at what I'm hearing from my friends on the other side of the aisle. It is, sadly, a symbol of their hollow rhetoric and shallow thinking. They want to do the right thing, but they can't. They can't take ''yes'' for an answer because it's partisan. It's partisan because they refuse to vote for things that they know are right, that they helped craft.

And the notion that this is somehow an earmark—I'm sorry. I was pained when I heard my good friend from Texas on the floor. The top Republican on trade, KEVIN BRADY, has said that, while he supports the GOP earmark prohibition, he has never considered a tariff suspension an earmark, and added that he considers it important that the bill moves in this Congress.

It's not an earmark unless you want to pretend that it's an earmark. But for heaven's sakes, this is something that even the Republicans agree they're not going to do next year. It's an election year ploy to try and get attention to a problem that they made worse when they were in charge.

We've opened this process up. It's transparent. It's important.

I hope my friends on the other side of the aisle will take ''yes'' for an answer and join me in voting for this legislation.

Mr. CAMP. Mr. Speaker, I continue to reserve the balance of my time. I will make a statement when it's time to close.

Mr. LEVIN. I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), another distinguished member of our committee.

□ 1110

Mr. PASCRELL. Here we go again on process. We want results. We need to look back at the record since 1995 on this legislation. The House has approved the MTB six times under suspension. Two of those votes, Mr. Speaker, two of the votes, voted on in the 104th Congress and the 107th Congress, were voiced. We didn't even have a roll call vote.

So for you to come before this House and tell us that the world was turned upside down, you turned it upside down when you look at the 104th and the 107th Congress. And we know who the majority was in those Congresses. That's the record.

Now, we know there is a very clear distinction between earmarks and the MTB provision which this bill enunciates. You know that an earmark provides for the authorization of a specific district or State, et cetera, et cetera. But a limited tariff benefit is defined as a provision modifying harmonized tariffs. We don't know what the word ''harmony'' means in this House.

So I am in strong support of H.R. 4380. This bill will lower costs for American small businesses, allowing them to prosper and making their products more competitive both here and abroad. This is what we should all be about. This will create tens of thousands of United States jobs, increase United States production, and expand GDP by several billion dollars. In my district, two towns, Bloomfield and Paterson, will benefit from duty suspensions on certain products. This is significant not only for the people who work there but for the customers of these products.

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

Mr. LEVIN. I yield the gentleman 10 additional seconds.

Mr. PASCRELL. In fact, the Sunlight Foundation, which is no stranger to criticizing this Congress on earmarks, has called this bill ''transparency done right.'' I rest my case. Let's pass this legislation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair and not to fellow Members in the second person.

Mr. LEVIN. I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, I rise in support of the bill, which will promote competitiveness, innovation, exports, and, most importantly, jobs in the Richmond, Virginia area.

Mr. Speaker, I rise today in support of the U.S. Manufacturing Enhancement Act, and I thank Chairman LEVIN and the Ways and Means Committee for their diligent work on this bill over the last two years.

The legislation before the House today will help American manufacturers compete at home and abroad by temporarily providing import relief on certain intermediate products or materials that are not made domestically or are not opposed by domestic producers.

This bill will help level the playing field of U.S. firms, increase competitiveness of American products at home and abroad, provide support for tens of thousands of American jobs, and help increase American production and expand our nation's gross domestic product by billions of dollars. As we continue our economic recovery, this bill is an important short-term action that Congress can take now to protect and expand American jobs and provide another boost to our economy.

I especially appreciate the Committee's work to include several duty suspensions for Hamilton Beach/Proctor Silex, a distributor of small kitchen appliances based in Richmond, Virginia. These duty suspensions for Hamilton Beach/Proctor Silex were first included in the Harmonized Tariff Schedule by Senator George Allen in 2006. I was happy to support the extensions of these duty suspensions in the 110th Congress and I thank the Chairman for including these suspensions in this bill. By providing this import relief through 2012, these duty suspensions will protect important manufacturing jobs in and around my Congressional district.

Mr. Speaker, the U.S. Manufacturing Enhancement Act will promote competitiveness, innovation, exports and, most importantly, job creation for American manufacturers. I urge my colleagues to support this important job protection and job creation legislation.

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

First, let me address the rule of the House. It's very clear that these are treated the same way, if you look at the rules. In fact, if you pull the rules of the House out, there is subsection called ''Congressional Earmarks.'' All of this is listed in that section. So it's very clear that there was an intent to incorporate, unfortunately wrongly, these kinds of provisions in the earmark process. We didn't write that rule. The Democrats wrote that rule. We are trying to have some integrity to the entire process.

Now, I realize that on the other side, whether it's a budget, and the Budget Act of 1974, you ignore that; whether it's PAYGO, you ignore that whenever it suits your needs and, quote, ''find an emergency'' to get around that. But the fact is we need to reform this process. We have not done that.

And I have in personal terms urged the chairman not to bring this under suspension of the rules. The last time this bill was on suspension in the 109th Congress it failed, and a majority of the Democrats voted against the bill. I think this is not the process in order to find a bipartisan path forward on this bill. What we really need to do, I think what should have been done, is not bring this bill where it requires a supermajority, because I think it is very likely the bill will fail. And that may be the political outcome that my friends on the other side wanted.

But in order to move this legislation in a bipartisan way forward, I think it's going to be important to get a rule, which I am certain will occur, and we will be back on the floor very shortly addressing this matter with a rule and a simple majority vote.

So I would just urge my colleagues to vote ''no'' on this bill until we can find a way to bring this legislation to the floor with a bipartisan rule that we have had the ranking member on the Rules Committee come forward and say he would be willing to work with the majority to find a way to resolve this issue.

Again, I urge a ''no'' vote on this legislation, and I yield back the balance of my time.

Mr. LEVIN. I yield the balance of my time to the gentleman from North Carolina (Mr. ETHERIDGE), a distinguished member of our committee.

The SPEAKER pro tempore. The gentleman is recognized for 1¼ minutes.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the Manufacturing Enhancement Act. My top priority, and the priority of this Congress ought to be three things: jobs, jobs, jobs when people are hurting. I know too many North Carolinians who are out of work. Families are hurting. They are being squeezed. And this helps small businesses. It will support tens of thousands of jobs in my State and across America. It will strengthen our manufacturing sector. And it is a time when we really need that kind of support. Fixing these tariffs is a boon to U.S. manufacturing, it lowers costs for consumers, and makes sure that U.S. jobs stay in the United States of America.

My colleagues on the other side remind me of the story of the young man who came before this aged gentleman, and he had a bird in his hand. And he

said, ''Old man,'' he said, ''is this bird alive or is he dead?'' Knowing that if he said he was alive, he would crush him, and if he said he was dead, he would release him. And the old gentleman said to him, ''Young man, it is up to you.'' When you say whether this bill will pass or die, to my colleagues on this side of the aisle, it's up to you. But the American people are watching, and they will suffer.

I urge you to reconsider and vote ''yes'' on this legislation not just to make a point, but to make a difference for the American people.

Mr. DAVIS of Illinois. Mr. Speaker, I join my colleagues in support of the U.S. Manufacturing Enhancement Act of 2010, H.R. 4380. This bill seeks to bolster manufacturing across the country through reductions and suspensions of duty taxes on non-competitive industrial goods. American manufacturing companies will be able to save considerably on production costs due to the decreased prices of industrial materials. I believe this legislation is essential to saving American manufacturing by creating jobs all across the country and by improving the competitiveness of American manufacturing in the global market. It will ease the pressure on American manufacturers at a time when it is most necessary.

American manufacturing is in dire need of government support. From the years 2002–2007, the GDP of America's private manufacturing sector expanded at 2.3% per year, an adequate growth rate. In 2008, the GDP declined by 2.5%, and last year, the GDP growth rate plummeted by 5.3%. Congress must act to reverse this trend. This bill is projected to expand the GDP by billions of dollars.

Locally, the Cook County unemployment rate currently stands at 10.7%. As a major industrial center of the U.S., Chicago businesses will benefit significantly from this bill. It will produce tens of thousands of jobs nationwide and many in the Chicago area. The bill is supported by over 130 companies as well as the Chamber of Commerce and the National Association of Manufacturers. Reducing the cost of industrial materials will create jobs, boost revenues, and put the U.S. in a better position to compete on the international market.

I strongly believe the U.S. Manufacturing Enhancement Act of 2010 is critical to the future of American manufacturing, and I look forward to seeing this bill move through the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 4380, as amended.

The question was taken.

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

Mr. 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

At the end, add the following:

DIVISION B—TRIBAL LAW AND ORDER

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Tribal Law and Order Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

DIVISION B—TRIBAL LAW AND ORDER

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.
Sec. 4. Severability.
Sec. 5. Jurisdiction of the State of Alaska.
Sec. 6. Effect.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

Sec. 101. Office of Justice Services responsibilities.
Sec. 102. Disposition reports.
Sec. 103. Prosecution of crimes in Indian country.
Sec. 104. Administration.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

Sec. 201. State criminal jurisdiction and resources.
Sec. 202. State, tribal, and local law enforcement cooperation.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

Sec. 301. Tribal police officers.
Sec. 302. Drug enforcement in Indian country.
Sec. 303. Access to national criminal information databases.
Sec. 304. Tribal court sentencing authority.
Sec. 305. Indian Law and Order Commission.
Sec. 306. Exemption for tribal display materials.

TITLE IV—TRIBAL JUSTICE SYSTEMS

Sec. 401. Indian alcohol and substance abuse.
Sec. 402. Indian tribal justice; technical and legal assistance.
Sec. 403. Tribal resources grant program.
Sec. 404. Tribal jails program.
Sec. 405. Tribal probation office liaison program.
Sec. 406. Tribal youth program.
Sec. 407. Improving public safety presence in rural Alaska.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

Sec. 501. Tracking of crimes committed in Indian country.
Sec. 502. Criminal history record improvement program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

Sec. 601. Prisoner release and reentry.
Sec. 602. Domestic and sexual violence offense training.
Sec. 603. Testimony by Federal employees.
Sec. 604. Coordination of Federal agencies.
Sec. 605. Sexual assault protocol.
Sec. 606. Study of IHS sexual assault and domestic violence response capabilities.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

(2) Congress and the President have acknowledged that—

(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

(4) the complicated jurisdictional scheme that exists in Indian country—

(A) has a significant negative impact on the ability to provide public safety to Indian communities;

(B) has been increasingly exploited by criminals; and

(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

(b) PURPOSES.—The purposes of this division are—

(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;

(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—In this division:

(1) INDIAN COUNTRY.—The term ''Indian country'' has the meaning given the term in section 1151 of title 18, United States Code.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of a federally recognized Indian tribe.

(b) INDIAN LAW ENFORCEMENT REFORM ACT.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended by adding at the end the following:

''(10) The term 'tribal justice official' means—
''(A) a tribal prosecutor;
''(B) a tribal law enforcement officer; or
''(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.''.

SEC. 4. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this division, the remaining amendments made by this division, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.

SEC. 5. JURISDICTION OF THE STATE OF ALASKA.

Nothing in this Act limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.

SEC. 6. EFFECT.

Nothing in this Act confers on an Indian tribe criminal jurisdiction over non-Indians.

TITLE I—FEDERAL ACCOUNTABILITY AND COORDINATION

SEC. 101. OFFICE OF JUSTICE SERVICES RESPONSIBILITIES.

(a) DEFINITIONS.—Section 2 of the Indian Law Enforcement Reform Act (25 U.S.C. 2801) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by redesignating paragraph (9) as paragraph (1) and moving the paragraphs so as to appear in numerical order; and

(4) in paragraph (1) (as redesignated by paragraph (3)), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services''.

(b) ADDITIONAL RESPONSIBILITIES OF OFFICE.—Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802) is amended—

(1) in subsection (b), by striking ''(b) There is hereby established within the Bureau a Division of Law Enforcement Services which'' and inserting the following:

''(b) OFFICE OF JUSTICE SERVICES.—There is established in the Bureau an office, to be known as the 'Office of Justice Services', that'';

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services'';

(B) in paragraph (8), by striking ''and'' at the end;

(C) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

''(10) the development and provision of dispatch and emergency and E–911 services;

''(11) communicating with tribal leaders, tribal community and victims' advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;

''(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

''(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28, United States Code;

''(14) in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732), collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;

''(15) on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;

''(16) submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

''(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

''(I) criminal investigators;

''(II) uniform police;

''(III) police and emergency dispatchers;

''(IV) detention officers;

''(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and

''(VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

''(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

''(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

''(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

''(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;

''(17) submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary; and

''(18) promulgating regulations to carry out this Act, and routinely reviewing and updating, as necessary, the regulations contained in subchapter B of title 25, Code of Federal Regulations (or successor regulations).'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''Division of Law Enforcement Services'' and inserting ''Office of Justice Services''; and

(B) in paragraph (4)(i), in the first sentence, by striking ''Division'' and inserting ''Office of Justice Services'';

(4) in subsection (e), by striking ''Division of Law Enforcement Services'' each place it appears and inserting ''Office of Justice Services''; and

(5) by adding at the end the following:

''(f) LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary, acting through the Bureau, in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

''(1) a description of proposed activities for—

''(A) the construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

''(B) contracting with State and local detention centers, upon approval of affected tribal governments; and

''(C) alternatives to incarceration, developed in cooperation with tribal court systems;

''(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

''(3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.''.

(c) LAW ENFORCEMENT AUTHORITY.—Section 4 of the Indian Law Enforcement Reform Act (25 U.S.C. 2803) is amended—

(1) in paragraph (2)(A), by striking ''), or'' and inserting ''or offenses processed by the Central Violations Bureau); or''; and

(2) in paragraph (3)—

(A) in subparagraph (B), by striking '', or'' at the end and inserting a semicolon;

(B) in subparagraphs (B) and (C), by striking ''reasonable grounds'' each place it appears and inserting ''probable cause'';

(C) in subparagraph (C), by adding ''or'' at the end; and

(D) by adding at the end the following:

''(D)(i) the offense involves—

''(I) a misdemeanor controlled substance offense in violation of—

''(aa) the Controlled Substances Act (21 U.S.C. 801 et seq.);

''(bb) title IX of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a et seq.); or

''(cc) section 731 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (21 U.S.C. 865);

''(II) a misdemeanor firearms offense in violation of chapter 44 of title 18, United States Code;

''(III) a misdemeanor assault in violation of chapter 7 of title 18, United States Code; or

''(IV) a misdemeanor liquor trafficking offense in violation of chapter 59 of title 18, United States Code; and

''(ii) the employee has probable cause to believe that the individual to be arrested has committed, or is committing, the crime;''.

SEC. 102. DISPOSITION REPORTS.

Section 10 of the Indian Law Enforcement Reform Act (25 U.S.C. 2809) is amended by striking subsections (a) through (d) and inserting the following:

''(a) COORDINATION AND DATA COLLECTION.—

''(1) INVESTIGATIVE COORDINATION.—Subject to subsection (c), if a law enforcement officer or employee of any Federal department or agency terminates an investigation of an alleged violation of Federal criminal law in Indian country without referral for prosecution, the officer or employee shall coordinate with the appropriate tribal law enforcement officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

''(2) INVESTIGATION DATA.—The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

''(A) the types of crimes alleged;

''(B) the statuses of the accused as Indians or non-Indians;

''(C) the statuses of the victims as Indians or non-Indians; and

''(D) the reasons for deciding against referring the investigation for prosecution.

''(3) PROSECUTORIAL COORDINATION.—Subject to subsection (c), if a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal

law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

''(4) PROSECUTION DATA.—The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

''(A) the types of crimes alleged;

''(B) the statuses of the accused as Indians or non-Indians;

''(C) the statuses of the victims as Indians or non-Indians; and

''(D) the reasons for deciding to decline or terminate the prosecutions.

''(b) ANNUAL REPORTS.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)—

''(1) organized—

''(A) in the aggregate; and

''(B)(i) for the Federal Bureau of Investigation, by Field Division; and

''(ii) for United States Attorneys, by Federal judicial district; and

''(2) including any relevant explanatory statements.

''(c) EFFECT OF SECTION.—

''(1) IN GENERAL.—Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

''(2) FEDERAL RULES OF CRIMINAL PROCEDURE.—Nothing in this section affects or limits the requirements of Rule 6 of the Federal Rules of Criminal Procedure.

''(3) REGULATIONS.—The Attorney General shall establish, by regulation, standards for the protection of the confidential or privileged communications, information, and sources described in this section.''.

SEC. 103. PROSECUTION OF CRIMES IN INDIAN COUNTRY.

(a) APPOINTMENT OF SPECIAL PROSECUTORS.—

(1) IN GENERAL.—Section 543 of title 28, United States Code, is amended—

(A) in subsection (a), by inserting before the period at the end the following: '', including the appointment of qualified tribal prosecutors and other qualified attorneys to assist in prosecuting Federal offenses committed in Indian country''; and

(B) by adding at the end the following:

''(c) INDIAN COUNTRY.—In this section, the term 'Indian country' has the meaning given that term in section 1151 of title 18.''.

(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing attorneys under section 543 of title 28, United States Code, to serve as special prosecutors in Indian country, the Attorney General should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

(b) TRIBAL LIAISONS.—

(1) IN GENERAL.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) is amended by adding at the end the following:

''SEC. 13. ASSISTANT UNITED STATES ATTORNEY TRIBAL LIAISONS.

''(a) APPOINTMENT.—The United States Attorney for each district that includes Indian country shall appoint not less than 1 assistant United States Attorney to serve as a tribal liaison for the district.

''(b) DUTIES.—The duties of a tribal liaison shall include the following:

''(1) Coordinating the prosecution of Federal crimes that occur in Indian country.

''(2) Developing multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.

''(3) Consulting and coordinating with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.

''(4) Developing working relationships and maintaining communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.

''(5) Coordinating with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.

''(6) Providing technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.

''(7) Conducting training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes.

''(8) Coordinating with the Office of Tribal Justice, as necessary.

''(9) Conducting such other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.

''(c) EFFECT OF SECTION.—Nothing in this section limits the authority of any United States Attorney to determine the duties of a tribal liaison officer to meet the needs of the Indian tribes located within the relevant Federal district.

''(d) ENHANCED PROSECUTION OF MINOR CRIMES.—

''(1) IN GENERAL.—Each United States Attorney serving a district that includes Indian country is authorized and encouraged—

''(A) to appoint Special Assistant United States Attorneys pursuant to section 543(a) of title 28, United States Code, to prosecute crimes in Indian country as necessary to improve the administration of justice, and particularly when—

''(i) the crime rate exceeds the national average crime rate; or

''(ii) the rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;

''(B) to coordinate with applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;

''(C) to provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and

''(D) to provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.

''(2) SENSE OF CONGRESS REGARDING CONSULTATION.—It is the sense of Congress that, in appointing Special Assistant United States Attorneys under this subsection, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.''.

(2) SENSE OF CONGRESS REGARDING EVALUATIONS OF TRIBAL LIAISONS.—

(A) FINDINGS.—Congress finds that—

(i) many residents of Indian country rely solely on United States Attorneys offices to prosecute felony and misdemeanor crimes occurring on Indian land; and

(ii) tribal liaisons have dual obligations of—

(I) coordinating prosecutions of Indian country crime; and

(II) developing relationships with residents of Indian country and serving as a link between Indian country residents and the Federal justice process.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should—

(i) take all appropriate actions to encourage the aggressive prosecution of all Federal crimes committed in Indian country; and

(ii) when appropriate, take into consideration the dual responsibilities of tribal liaisons described in subparagraph (A)(ii) in evaluating the performance of the tribal liaisons.

SEC. 104. ADMINISTRATION.

(a) OFFICE OF TRIBAL JUSTICE.—

(1) DEFINITIONS.—Section 4 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3653) is amended—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) DIRECTOR.—The term 'Director' means the Director of the Office of Tribal Justice.''.

(2) STATUS.—Title I of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) by redesignating section 106 (25 U.S.C. 3666) as section 107; and

(B) by inserting after section 105 (25 U.S.C. 3665) the following:

''SEC. 106. OFFICE OF TRIBAL JUSTICE.

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Tribal Law and Order Act of 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

''(b) PERSONNEL AND FUNDING.—The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a component of the Department under subsection (a).

''(c) DUTIES.—The Office of Tribal Justice shall—

''(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

''(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

''(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

''(A) the trust responsibility of the United States to Indian tribes;

''(B) any tribal treaty provision;

''(C) the status of Indian tribes as sovereign governments; or

''(D) any other tribal interest.''.

(b) NATIVE AMERICAN ISSUES COORDINATOR.—The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 103(b)) is amended by adding at the end the following:

''SEC. 14. NATIVE AMERICAN ISSUES COORDINATOR.

''(a) ESTABLISHMENT.—There is established in the Executive Office for United States Attorneys of the Department of Justice a position to be known as the 'Native American Issues Coordinator'.

''(b) DUTIES.—The Native American Issues Coordinator shall—

''(1) coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;

''(2) coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;

''(3) coordinate as necessary with other components of the Department of Justice and any

relevant advisory groups to the Attorney General or the Deputy Attorney General; and

''(4) carry out such other duties as the Attorney General may prescribe.''.

TITLE II—STATE ACCOUNTABILITY AND COORDINATION

SEC. 201. STATE CRIMINAL JURISDICTION AND RESOURCES.

(a) CONCURRENT AUTHORITY OF UNITED STATES.—Section 401(a) of the Indian Civil Rights Act of 1968 (25 U.S.C. 1321(a)) is amended—

(1) by striking the section designation and heading and all that follows through ''The consent of the United States'' and inserting the following:

''SEC. 401. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION.

''(a) CONSENT OF UNITED STATES.—

''(1) IN GENERAL.—The consent of the United States''; and

(2) by adding at the end the following:

''(2) CONCURRENT JURISDICTION.—At the request of an Indian tribe, and after consultation with and consent by the Attorney General, the United States shall accept concurrent jurisdiction to prosecute violations of sections 1152 and 1153 of title 18, United States Code, within the Indian country of the Indian tribe.''.

(b) APPLICABLE LAW.—Section 1162 of title 18, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding subsection (c), at the request of an Indian tribe, and after consultation with and consent by the Attorney General—

''(1) sections 1152 and 1153 shall apply in the areas of the Indian country of the Indian tribe; and

''(2) jurisdiction over those areas shall be concurrent among the Federal Government, State governments, and, where applicable, tribal governments.''.

SEC. 202. STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT COOPERATION.

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

(1) improving law enforcement effectiveness;

(2) reducing crime in Indian country and nearby communities; and

(3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

TITLE III—EMPOWERING TRIBAL LAW ENFORCEMENT AGENCIES AND TRIBAL GOVERNMENTS

SEC. 301. TRIBAL POLICE OFFICERS.

(a) FLEXIBILITY IN TRAINING LAW ENFORCEMENT OFFICERS SERVING INDIAN COUNTRY.—Section 3(e) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(e)) (as amended by section 101(b)(4)) is amended—

(1) in paragraph (1)—

(A) by striking ''(e)(1) The Secretary'' and inserting the following:

''(e) STANDARDS OF EDUCATION AND EXPERIENCE AND CLASSIFICATION OF POSITIONS.—

''(1) STANDARDS OF EDUCATION AND EXPERIENCE.—

''(A) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(B) REQUIREMENTS FOR TRAINING.—The training standards established under subparagraph (A)—

''(i) shall be consistent with standards accepted by the Federal Law Enforcement Training Accreditation commission for law enforcement officers attending similar programs; and

''(ii) shall include, or be supplemented by, instruction regarding Federal sources of authority and jurisdiction, Federal crimes, Federal rules of criminal procedure, and constitutional law to bridge the gap between State training and Federal requirements.

''(C) TRAINING AT STATE, TRIBAL, AND LOCAL ACADEMIES.—Law enforcement personnel of the Office of Justice Services or an Indian tribe may satisfy the training standards established under subparagraph (A) through training at a State or tribal police academy, a State, regional, local, or tribal college or university, or other training academy (including any program at a State, regional, local, or tribal college or university) that meets the appropriate Peace Officer Standards of Training.

''(D) MAXIMUM AGE REQUIREMENT.—Pursuant to section 3307(e) of title 5, United States Code, the Secretary may employ as a law enforcement officer under section 4 any individual under the age of 47, if the individual meets all other applicable hiring requirements for the applicable law enforcement position.'';

(2) in paragraph (3), by striking ''Agencies'' and inserting ''agencies''; and

(3) by adding at the end the following:

''(4) BACKGROUND CHECKS FOR TRIBAL JUSTICE OFFICIALS.—

''(A) IN GENERAL.—The Office of Justice Services shall develop standards and deadlines for the provision of background checks to tribal law enforcement and corrections officials.

''(B) TIMING.—If a request for a background check is made by an Indian tribe that has contracted or entered into a compact for law enforcement or corrections services with the Bureau of Indian Affairs pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Office of Justice Services shall complete the check not later than 60 days after the date of receipt of the request, unless an adequate reason for failure to respond by that date is provided to the Indian tribe in writing.''.

(b) SPECIAL LAW ENFORCEMENT COMMISSIONS.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended—

(1) by striking ''(a) The Secretary may enter into an agreement'' and inserting the following:

''(a) AGREEMENTS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary shall establish procedures to enter into memoranda of agreement'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) CERTAIN ACTIVITIES.—The Secretary''; and

(3) by adding at the end the following:

''(3) PROGRAM ENHANCEMENT.—

''(A) TRAINING SESSIONS IN INDIAN COUNTRY.—

''(i) IN GENERAL.—The procedures described in paragraph (1) shall include the development of a plan to enhance the certification and provision of special law enforcement commissions to tribal law enforcement officials, and, subject to subsection (d), State and local law enforcement officials, pursuant to this section.

''(ii) INCLUSIONS.—The plan under clause (i) shall include the hosting of regional training sessions in Indian country, not less frequently than biannually, to educate and certify candidates for the special law enforcement commissions.

''(B) MEMORANDA OF AGREEMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010, the Secretary, in consultation with Indian tribes and tribal law enforcement agencies, shall develop minimum requirements to be included in special law enforcement commission agreements pursuant to this section.

''(ii) SUBSTANCE OF AGREEMENTS.—Each agreement entered into pursuant to this section shall reflect the status of the applicable certified individual as a Federal law enforcement officer under subsection (f), acting within the scope of the duties described in section 3(c).

''(iii) AGREEMENT.—Not later than 60 days after the date on which the Secretary determines that all applicable requirements under clause (i) are met, the Secretary shall offer to enter into a special law enforcement commission agreement with the Indian tribe.''.

(c) INDIAN LAW ENFORCEMENT FOUNDATION.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VII—INDIAN LAW ENFORCEMENT FOUNDATION

''SEC. 701. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) BUREAU.—The term 'Bureau' means the Office of Justice Services of the Bureau of Indian Affairs.

''(3) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of the Indian Law Enforcement Foundation established under section 702(e)(1).

''(4) FOUNDATION.—The term 'Foundation' means the Indian Law Enforcement Foundation established under section 702.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

''SEC. 702. INDIAN LAW ENFORCEMENT FOUNDATION.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, a foundation, to be known as the 'Indian Law Enforcement Foundation'.

''(2) FUNDING DETERMINATIONS.—No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

''(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

''(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of public safety or justice services to Indians.

''(b) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(c) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(d) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

''(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

''(e) COMMITTEE FOR THE ESTABLISHMENT OF THE INDIAN LAW ENFORCEMENT FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish a committee, to be known as the 'Committee for the Establishment of the Indian Law Enforcement Foundation', to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the date on which the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(f) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall be composed of not less than 7 members.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall serve for staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(g) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a Secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) CHIEF OPERATING OFFICER.—

''(A) SECRETARY.—Subject to subparagraph (B), the Secretary of the Foundation may serve, at the direction of the Board, as the chief operating officer of the Foundation.

''(B) APPOINTMENT.—The Board may appoint a chief operating officer in lieu of the Secretary of the Foundation under subparagraph (A), who shall serve at the direction of the Board.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(h) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(i) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be located in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(j) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(k) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(l) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed the percentage described in paragraph (2) of the sum of—

''(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) PERCENTAGES.—The percentages referred to in paragraph (1) are—

''(A) for the first 2 fiscal years described in that paragraph, 25 percent;

''(B) for the following fiscal year, 20 percent; and

''(C) for each fiscal year thereafter, 15 percent.

''(3) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(4) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(m) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(n) FUNDING.—For each of fiscal years 2011 through 2015, out of any unobligated amounts available to the Secretary, the Secretary may use to carry out this section not more than $500,000.

''SEC. 703. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services are—

''(1) available; and

''(2) provided on reimbursable cost basis.''.

(d) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (25 U.S.C. 458bbb et seq.) as title VIII and moving the title so as to appear at the end of the Act;

(2) by redesignating sections 501, 502, and 503 (25 U.S.C. 458bbb, 458bbb–1, 458bbb–2) as sections 801, 802, and 803, respectively; and

(3) in subsection (a)(2) of section 802 and paragraph (2) of section 803 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 801''.

(e) ACCEPTANCE AND ASSISTANCE.—Section 5 of the Indian Law Enforcement Reform Act (25 U.S.C. 2804) is amended by adding at the end the following:

''(g) ACCEPTANCE OF ASSISTANCE.—The Bureau may accept reimbursement, resources, assistance, or funding from—

''(1) a Federal, tribal, State, or other government agency; or

''(2) the Indian Law Enforcement Foundation established under section 701(a) of the Indian Self-Determination and Education Assistance Act.''.

SEC. 302. DRUG ENFORCEMENT IN INDIAN COUNTRY.

(a) EDUCATION AND RESEARCH PROGRAMS.—Section 502 of the Controlled Substances Act (21 U.S.C. 872) is amended in subsections (a)(1) and (c), by inserting '' tribal,'' after ''State,'' each place it appears.

(b) PUBLIC-PRIVATE EDUCATION PROGRAM.—Section 503 of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 872a) is amended—

(1) in subsection (a), by inserting ''tribal,'' after ''State,''; and

(2) in subsection (b)(2), by inserting '', tribal,'' after ''State''.

(c) COOPERATIVE ARRANGEMENTS.—Section 503 of the Controlled Substances Act (21 U.S.C. 873) is amended—

(1) in subsection (a)—

(A) by inserting ''tribal,'' after ''State,'' each place it appears; and

(B) in paragraphs (6) and (7), by inserting '', tribal,'' after ''State'' each place it appears; and

(2) in subsection (d)(1), by inserting '', tribal,'' after ''State''.

(d) POWERS OF ENFORCEMENT PERSONNEL.—Section 508(a) of the Controlled Substances Act (21 U.S.C. 878(a)) is amended in the matter preceding paragraph (1) by inserting '', tribal,'' after ''State''.

(e) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 303. ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.

(a) ACCESS TO NATIONAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)(4), by inserting ''Indian tribes,'' after ''the States,'';

(2) by striking subsection (d) and inserting the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

''(1) to access and enter information into Federal criminal information databases; and

''(2) to obtain information from the databases.'';

(3) by redesignating the second subsection (e) as subsection (f); and

(4) in paragraph (2) of subsection (f) (as redesignated by paragraph (3)), in the matter preceding subparagraph (A), by inserting '', tribal,'' after ''Federal''.

(b) REQUIREMENT.—

(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

(2) SANCTIONS.—For purpose of sanctions for noncompliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.

SEC. 304. TRIBAL COURT SENTENCING AUTHORITY.

(a) INDIVIDUAL RIGHTS.—Section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302), is amended—

(1) in the matter preceding paragraph (1), by striking ''No Indian tribe'' and inserting the following:

''(a) IN GENERAL.—No Indian tribe'';

(2) in subsection (a) (as designated by paragraph (1))—

(A) in paragraph (6) by inserting ''(except as provided in subsection (b)) after ''assistance of counsel for his defense''; and

(B) by striking paragraph (7) and inserting the following:

''(7)(A) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

''(B) except as provided in subparagraph (C), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 1 year or a fine of $5,000, or both;

''(C) subject to subsection (b), impose for conviction of any 1 offense any penalty or punishment greater than imprisonment for a term of 3 years or a fine of $15,000, or both; or

''(D) impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of 9 years;''; and

(3) by adding at the end the following:

''(b) OFFENSES SUBJECT TO GREATER THAN 1-YEAR IMPRISONMENT OR A FINE GREATER THAN $5,000.—A tribal court may subject a defendant to a term of imprisonment greater than 1 year but not to exceed 3 years for any 1 offense, or a fine greater than $5,000 but not to exceed $15,000, or both, if the defendant is a person accused of a criminal offense who—

''(1) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States; or

''(2) is being prosecuted for an offense comparable to an offense that would be punishable by more than 1 year of imprisonment if prosecuted by the United States or any of the States.

''(c) RIGHTS OF DEFENDANTS.—In a criminal proceeding in which an Indian tribe, in exercising powers of self-government, imposes a total term of imprisonment of more than 1 year on a defendant, the Indian tribe shall—

''(1) provide to the defendant the right to effective assistance of counsel at least equal to that guaranteed by the United States Constitution; and

''(2) at the expense of the tribal government, provide an indigent defendant the assistance of a defense attorney licensed to practice law by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys;

''(3) require that the judge presiding over the criminal proceeding—

''(A) has sufficient legal training to preside over criminal proceedings; and

''(B) is licensed to practice law by any jurisdiction in the United States;

''(4) prior to charging the defendant, make publicly available the criminal laws (including regulations and interpretative documents), rules of evidence, and rules of criminal procedure (including rules governing the recusal of judges in appropriate circumstances) of the tribal government; and

''(5) maintain a record of the criminal proceeding, including an audio or other recording of the trial proceeding.

''(d) SENTENCES.—In the case of a defendant sentenced in accordance with subsections (b) and (c), a tribal court may require the defendant—

''(1) to serve the sentence—

''(A) in a tribal correctional center that has been approved by the Bureau of Indian Affairs for long-term incarceration, in accordance with guidelines to be developed by the Bureau of Indian Affairs (in consultation with Indian tribes) not later than 180 days after the date of enactment of the Tribal Law and Order Act of 2010;

''(B) in the nearest appropriate Federal facility, at the expense of the United States pursuant to the Bureau of Prisons tribal prisoner pilot program described in section 304(c) of the Tribal Law and Order Act of 2010;

''(C) in a State or local government-approved detention or correctional center pursuant to an agreement between the Indian tribe and the State or local government; or

''(D) in an alternative rehabilitation center of an Indian tribe; or

''(2) to serve another alternative form of punishment, as determined by the tribal court judge pursuant to tribal law.

''(e) DEFINITION OF OFFENSE.—In this section, the term 'offense' means a violation of a criminal law.

''(f) EFFECT OF SECTION.—Nothing in this section affects the obligation of the United States, or any State government that has been delegated authority by the United States, to investigate and prosecute any criminal violation in Indian country.''.

(b) REPORT.—Not later than 4 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall submit a report to the appropriate committees of Congress that includes—

(1) a description of the effectiveness of enhanced tribal court sentencing authority in curtailing violence and improving the administration of justice on Indian lands; and

(2) a recommendation of whether enhanced sentencing authority should be discontinued, enhanced, or maintained at the level authorized under this division.

(c) BUREAU OF PRISONS TRIBAL PRISONER PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this division, the Director of the Bureau of Prisons shall establish a pilot program under which the Bureau of Prisons shall accept offenders convicted in tribal court pursuant to section 202 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1302) (as amended by this section), subject to the conditions described in paragraph (2).

(2) CONDITIONS.—

(A) IN GENERAL.—As a condition of participation in the pilot program described in paragraph (1), the tribal court shall submit to the Attorney General a request for confinement of the offender, for approval by the Attorney General (or a designee) by not later than 30 days after the date of submission.

(B) LIMITATIONS.—Requests for confinement shall be limited to offenders convicted of a violent crime (comparable to the violent crimes described in section 1153(a) of title 18, United States Code) for which the sentence includes a term of imprisonment of 2 or more years.

(C) CUSTODY CONDITIONS.—The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, United States Code, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility, and imprisoned at the expense of the United States.

(D) CAP.—The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(3) RESCINDING REQUESTS.—

(A) IN GENERAL.—The applicable tribal government shall retain the authority to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) RETURN TO TRIBAL CUSTODY.—On rescission of a request under subparagraph (A), a tribal offender shall be returned to tribal custody.

(4) REASSESSMENT.—If tribal court demand for participation in this pilot program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(5) REPORT.—Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

(6) TERMINATION.—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established.

(d) GRANTS AND CONTRACTS.—Section 1007(b) of the Economic Opportunity Act of 1964 (42 U.S.C. 2996f(b)) is amended by striking paragraph (2) and inserting the following:

''(2) to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with an offense in an Indian tribal court;''.

SEC. 305. INDIAN LAW AND ORDER COMMISSION.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 104(b)) is amended by adding at the end the following:

''SEC. 15. INDIAN LAW AND ORDER COMMISSION.

''(a) ESTABLISHMENT.—There is established a commission to be known as the Indian Law and Order Commission (referred to in this section as the 'Commission').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Commission shall be composed of 9 members, of whom—

''(A) 3 shall be appointed by the President, in consultation with—

''(i) the Attorney General; and

''(ii) the Secretary;

''(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairpersons of the Committees on Indian Affairs and the Judiciary of the Senate;

''(C) 1 shall be appointed by the Minority Leader of the Senate, in consultation with the Vice Chairperson and Ranking Member of the Committees on Indian Affairs and the Judiciary of the Senate;

''(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairpersons of the Committees on the Judiciary and Natural Resources of the House of Representatives; and

''(E) 1 shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Members of the Committees on the Judiciary and Natural Resources of the House of Representatives.

''(2) REQUIREMENTS FOR ELIGIBILITY.—Each member of the Commission shall have significant experience and expertise in—

''(A) the Indian country criminal justice system; and

''(B) matters to be studied by the Commission.

''(3) CONSULTATION REQUIRED.—The President, the Speaker and Minority Leader of the House of Representatives, and the Majority Leader and Minority Leader of the Senate shall consult before the appointment of members of the Commission under paragraph (1) to achieve, to the maximum extent practicable, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission.

''(4) TERM.—Each member shall be appointed for the life of the Commission.

''(5) TIME FOR INITIAL APPOINTMENTS.—The appointment of the members of the Commission

shall be made not later than 60 days after the date of enactment of this Act.

''(6) VACANCIES.—A vacancy in the Commission shall be filled—

''(A) in the same manner in which the original appointment was made; and

''(B) not later than 60 days after the date on which the vacancy occurred.

''(c) OPERATION.—

''(1) CHAIRPERSON.—Not later than 15 days after the date on which all members of the Commission have been appointed, the Commission shall select 1 member to serve as Chairperson of the Commission.

''(2) MEETINGS.—

''(A) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

''(B) INITIAL MEETING.—The initial meeting shall take place not later than 30 days after the date described in paragraph (1).

''(3) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

''(4) RULES.—The Commission may establish, by majority vote, any rules for the conduct of Commission business, in accordance with this Act and other applicable law.

''(d) COMPREHENSIVE STUDY OF CRIMINAL JUSTICE SYSTEM RELATING TO INDIAN COUNTRY.—The Commission shall conduct a comprehensive study of law enforcement and criminal justice in tribal communities, including—

''(1) jurisdiction over crimes committed in Indian country and the impact of that jurisdiction on—

''(A) the investigation and prosecution of Indian country crimes; and

''(B) residents of Indian land;

''(2) the tribal jail and Federal prisons systems and the effect of those systems with respect to—

''(A) reducing Indian country crime; and

''(B) rehabilitation of offenders;

''(3)(A) tribal juvenile justice systems and the Federal juvenile justice system as relating to Indian country; and

''(B) the effect of those systems and related programs in preventing juvenile crime, rehabilitating Indian youth in custody, and reducing recidivism among Indian youth;

''(4) the impact of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) on—

''(A) the authority of Indian tribes;

''(B) the rights of defendants subject to tribal government authority; and

''(C) the fairness and effectiveness of tribal criminal systems; and

''(5) studies of such other subjects as the Commission determines relevant to achieve the purposes of the Tribal Law and Order Act of 2010.

''(e) RECOMMENDATIONS.—Taking into consideration the results of the study under paragraph (1), the Commission shall develop recommendations on necessary modifications and improvements to justice systems at the tribal, Federal, and State levels, including consideration of—

''(1) simplifying jurisdiction in Indian country;

''(2) improving services and programs—

''(A) to prevent juvenile crime on Indian land;

''(B) to rehabilitate Indian youth in custody; and

''(C) to reduce recidivism among Indian youth;

''(3) adjustments to the penal authority of tribal courts and exploring alternatives to incarceration;

''(4) the enhanced use of chapter 43 of title 28, United States Code (commonly known as 'the Federal Magistrates Act') in Indian country;

''(5) effective means of protecting the rights of victims and defendants in tribal criminal justice systems (including defendants incarcerated for a period of less than 1 year);

''(6) changes to the tribal jails and Federal prison systems; and

''(7) other issues that, as determined by the Commission, would reduce violent crime in Indian country.

''(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall submit to the President and Congress a report that contains—

''(1) a detailed statement of the findings and conclusions of the Commission; and

''(2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.

''(g) POWERS.—

''(1) HEARINGS.—

''(A) IN GENERAL.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section.

''(B) PUBLIC REQUIREMENT.—The hearings of the Commission under this paragraph shall be open to the public.

''(2) WITNESS EXPENSES.—

''(A) IN GENERAL.—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

''(B) PER DIEM AND MILEAGE.—The fees and allowances for a witness shall be paid from funds made available to the Commission.

''(3) INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.—

''(A) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

''(B) TRIBAL AND STATE AGENCIES.—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this section.

''(4) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

''(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

''(h) COMMISSION PERSONNEL MATTERS.—

''(1) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

''(2) DETAIL OF FEDERAL EMPLOYEES.—On the affirmative vote of ⅔ of the members of the Commission and the approval of the appropriate Federal agency head, an employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privileges.

''(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

''(i) CONTRACTS FOR RESEARCH.—

''(1) RESEARCHERS AND EXPERTS.—

''(A) IN GENERAL.—On an affirmative vote of ⅔ of the members of the Commission, the Commission may select nongovernmental researchers and experts to assist the Commission in carrying out the duties of the Commission under this section.

''(B) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may enter into a contract with the researchers and experts selected by the Commission under subparagraph (A) to provide funding in exchange for the services of the researchers and experts.

''(2) OTHER ORGANIZATIONS.—Nothing in this subsection limits the ability of the Commission to enter into contracts with any other entity or organization to carry out research necessary to carry out the duties of the Commission under this section.

''(j) TRIBAL ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The Commission shall establish a committee, to be known as the 'Tribal Advisory Committee'.

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—The Tribal Advisory Committee shall consist of 2 representatives of Indian tribes from each region of the Bureau of Indian Affairs.

''(B) QUALIFICATIONS.—Each member of the Tribal Advisory Committee shall have experience relating to—

''(i) justice systems;

''(ii) crime prevention; or

''(iii) victim services.

''(3) DUTIES.—The Tribal Advisory Committee shall—

''(A) serve as an advisory body to the Commission; and

''(B) provide to the Commission advice and recommendations, submit materials, documents, testimony, and such other information as the Commission determines to be necessary to carry out the duties of the Commission under this section.

''(k) FUNDING.—For the fiscal year after the date of enactment of the Tribal Law and Order Act of 2010, out of any unobligated amounts available to the Secretary of the Interior or the Attorney General, the Secretary or the Attorney General may use to carry out this section not more than $2,000,000.

''(l) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report of the Commission under subsection (f).

''(m) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.''.

SEC. 306. EXEMPTION FOR TRIBAL DISPLAY MATERIALS.

(a) IN GENERAL.—Section 845(a) of title 18, United States Code is amended—

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

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

(3) by adding at the end the following:

''(7) the transportation, shipment, receipt, or importation of display fireworks materials for delivery to a federally recognized Indian tribe or tribal agency.''.

(b) DEFINITION OF INDIAN TRIBE.—Section 841 of title 18, United States Code is amended by adding at the end the following:

''(t) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)).''.

(c) TECHNICAL AMENDMENTS.—Section 845 of title 18, United States Code is amended—

(1) in subsection (a), by striking ''subsections'' in the first place it appears and inserting ''subsection''; and

(2) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Attorney General''.

TITLE IV—TRIBAL JUSTICE SYSTEMS

SEC. 401. INDIAN ALCOHOL AND SUBSTANCE ABUSE.

(a) CORRECTION OF REFERENCES.—

(1) INTER-DEPARTMENTAL MEMORANDUM OF AGREEMENT.—Section 4205 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2411) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1)—

(I) by striking ''Not later than 120 days after the date of enactment of this subtitle'' and inserting ''Not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010''; and

(II) by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(ii) in paragraph (2)(A), by inserting '', Office of Justice Programs, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs,'';

(iii) in paragraph (4), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(iv) in paragraph (5), by inserting '', Department of Justice, Substance Abuse and Mental Health Services Administration,'' after ''Bureau of Indian Affairs'';

(v) in paragraph (7), by inserting '', the Attorney General,'' after ''Secretary of the Interior'';

(B) in subsection (c), by inserting '', the Attorney General,'' after ''Secretary of the Interior''; and

(C) in subsection (d), by striking ''the date of enactment of this subtitle'' and inserting ''the date of enactment of the Tribal Law and Order Act of 2010''.

(2) TRIBAL ACTION PLANS.—Section 4206 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2412) is amended—

(A) in subsection (b), in the first sentence, by inserting '', the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(B) in subsection (c)(1)(A)(i), by inserting '', the Office of Justice Programs, the Substance Abuse and Mental Health Services Administration,'' before ''and the Indian Health Service service unit'';

(C) in subsection (d)(2), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''the period of fiscal years 2011 through 2015'';

(D) in subsection (e), in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior''; and

(E) in subsection (f)(3), by striking ''fiscal year 1993 and such sums as are necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and inserting ''fiscal years 2011 through 2015''.

(3) DEPARTMENTAL RESPONSIBILITY.—Section 4207 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2413) is amended—

(A) in subsection (a), by inserting '', the Attorney General'' after ''Bureau of Indian Affairs'';

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—To improve coordination among the Federal agencies and departments carrying out this subtitle, there is established within the Substance Abuse and Mental Health Services Administration an office, to be known as the 'Office of Indian Alcohol and Substance Abuse' (referred to in this section as the 'Office').

''(B) DIRECTOR.—The director of the Office shall be appointed by the Administrator of the Substance Abuse and Mental Health Services Administration—

''(i) on a permanent basis; and

''(ii) at a grade of not less than GS–15 of the General Schedule.'';

(ii) in paragraph (2)—

(I) by striking ''(2) In addition'' and inserting the following:

''(2) RESPONSIBILITIES OF OFFICE.—In addition'';

(II) by striking subparagraph (A) and inserting the following:

''(A) coordinating with other agencies to monitor the performance and compliance of the relevant Federal programs in achieving the goals and purposes of this subtitle and the Memorandum of Agreement entered into under section 4205;'';

(III) in subparagraph (B)—

(aa) by striking ''within the Bureau of Indian Affairs''; and

(bb) by striking the period at the end and inserting ''; and''; and

(IV) by adding at the end the following:

''(C) not later than 1 year after the date of enactment of the Tribal Law and Order Act of 2010, developing, in coordination and consultation with tribal governments, a framework for interagency and tribal coordination that—

''(i) establish the goals and other desired outcomes of this Act;

''(ii) prioritizes outcomes that are aligned with the purposes of affected agencies;

''(iii) provides guidelines for resource and information sharing;

''(iv) provides technical assistance to the affected agencies to establish effective and permanent interagency communication and coordination; and

''(v) determines whether collaboration is feasible, cost-effective, and within agency capability.''; and

(iii) by striking paragraph (3) and inserting the following:

''(3) APPOINTMENT OF EMPLOYEES.—The Administrator of the Substance Abuse and Mental Health Services Administration shall appoint such employees to work in the Office, and shall provide such funding, services, and equipment, as may be necessary to enable the Office to carry out the responsibilities under this subsection.''; and

(C) in subsection (c)—

(i) by striking ''of Alcohol and Substance Abuse'' each place it appears;

(ii) in paragraph (1), in the second sentence, by striking ''The Assistant Secretary of the Interior for Indian Affairs'' and inserting ''The Administrator of the Substance Abuse and Mental Health Services Administration''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking ''Youth'' and inserting ''youth''; and

(II) by striking ''programs of the Bureau of Indian Affairs'' and inserting ''the applicable Federal programs''.

(4) REVIEW OF PROGRAMS.—Section 4208a(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2414a(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(5) FEDERAL FACILITIES, PROPERTY, AND EQUIPMENT.—Section 4209 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2415) is amended—

(A) in subsection (a), by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(B) in subsection (b)—

(i) in the first sentence, by inserting '', the Attorney General,'' after ''the Secretary of the Interior'';

(ii) in the second sentence, by inserting '', nor the Attorney General,'' after ''the Secretary of the Interior''; and

(iii) in the third sentence, by inserting '', the Department of Justice,'' after ''the Department of the Interior''; and

(C) in subsection (c)(1), by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(6) REVIEW.—Section 4211(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2431(a)) is amended in the matter preceding paragraph (1) by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(b) INDIAN EDUCATION PROGRAMS.—Section 4212 of the Indian Alcohol and Substance Abuse Prevention Act of 1986 (25 U.S.C. 2432) is amended by striking subsection (a) and inserting the following:

''(a) SUMMER YOUTH PROGRAMS.—

''(1) IN GENERAL.—The head of the Indian Alcohol and Substance Abuse Program, in coordination with the Assistant Secretary for Indian Affairs, shall develop and implement programs in tribal schools and schools funded by the Bureau of Indian Education (subject to the approval of the local school board or contract school board) to determine the effectiveness of summer youth programs in advancing the purposes and goals of this Act.

''(2) COSTS.—The head of the Indian Alcohol and Substance Abuse Program and the Assistant Secretary shall defray all costs associated with the actual operation and support of the summer youth programs in a school from funds appropriated to carry out this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the programs under this subsection $5,000,000 for each of fiscal years 2011 through 2015.''.

(c) EMERGENCY SHELTERS.—Section 4213(e) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2433(e)) is amended—

(1) in paragraph (1), by striking ''fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.'' and inserting ''each of fiscal years 2011 through 2015.'';

(2) in paragraph (2), by striking ''each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000.'' and inserting ''each of fiscal years 2011 through 2015.''; and

(3) by indenting paragraphs (4) and (5) appropriately.

(d) REVIEW OF PROGRAMS.—Section 4215(a) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2441(a)) is amended by inserting '', the Attorney General,'' after ''the Secretary of the Interior''.

(e) ILLEGAL NARCOTICS TRAFFICKING; SOURCE ERADICATION.—Section 4216 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking the comma at the end and inserting a semicolon;

(ii) in subparagraph (B), by striking '', and'' at the end and inserting a semicolon;

(iii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the Blackfeet Nation of Montana for the investigation and control of illegal narcotics traffic on the Blackfeet Indian Reservation along the border with Canada.'';

(B) in paragraph (2), by striking ''United States Custom Service'' and inserting ''United States Customs and Border Protection, the Bureau of Immigration and Customs Enforcement, and the Drug Enforcement Administration''; and

(C) by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000 for each of fiscal years 2011 through 2015.''; and

(2) in subsection (b)(2), by striking ''for the fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' and ''for each of fiscal years 2011 through 2015.''.

(f) LAW ENFORCEMENT AND JUDICIAL TRAINING.—Section 4218 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2451) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) TRAINING PROGRAMS.—

''(1) IN GENERAL.—The Secretary of the Interior, in coordination with the Attorney General, the Administrator of the Drug Enforcement Administration, and the Director of the Federal Bureau of Investigation, shall ensure, through the establishment of a new training program or by supplementing existing training programs, that all Bureau of Indian Affairs and tribal law enforcement and judicial personnel have access to training regarding—

''(A) the investigation and prosecution of offenses relating to illegal narcotics; and

''(B) alcohol and substance abuse prevention and treatment.

''(2) YOUTH-RELATED TRAINING.—Any training provided to Bureau of Indian Affairs or tribal law enforcement or judicial personnel under paragraph (1) shall include training in issues relating to youth alcohol and substance abuse prevention and treatment.''; and

(2) in subsection (b), by striking ''as may be necessary'' and all that follows through the end of the subsection and inserting ''as are necessary for each of fiscal years 2011 through 2015.''.

(g) JUVENILE DETENTION CENTERS.—Section 4220 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' the first place it appears and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(B) in the second sentence, by striking ''The Secretary shall'' and inserting the following:

''(2) CONSTRUCTION AND OPERATION.—The Secretary shall''; and

(C) by adding at the end the following:

''(3) DEVELOPMENT OF PLAN.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary and the Attorney General, in consultation with tribal leaders and tribal justice officials, shall develop a long-term plan for the construction, renovation, and operation of Indian juvenile detention and treatment centers and alternatives to detention for juvenile offenders.

''(B) COORDINATION.—The plan under subparagraph (A) shall require the Bureau of Indian Education and the Indian Health Service to coordinate with tribal and Bureau of Indian Affairs juvenile detention centers to provide services to those centers.''; and

(2) in paragraphs (1) and (2) of subsection (b)—

(A) by striking ''for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994, 1995, 1996, 1997, 1998, 1999, and 2000'' each place it appears and inserting ''for each of fiscal years 2011 through 2015''; and

(B) by indenting paragraph (2) appropriately.

SEC. 402. INDIAN TRIBAL JUSTICE; TECHNICAL AND LEGAL ASSISTANCE.

(a) INDIAN TRIBAL JUSTICE.—

(1) BASE SUPPORT FUNDING.—Section 103(b) of the Indian Tribal Justice Act (25 U.S.C. 3613(b)) is amended by striking paragraph (2) and inserting the following:

''(2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles;''.

(2) TRIBAL JUSTICE SYSTEMS.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(A) in subsection (a)—

(i) by striking ''the provisions of sections 101 and 102 of this Act'' and inserting ''sections 101 and 102''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015'';

(B) in subsection (b)—

(i) by striking ''the provisions of section 103 of this Act'' and inserting ''section 103''; and

(ii) by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015'';

(C) in subsection (c), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015''; and

(D) in subsection (d), by striking ''the fiscal years 2000 through 2007'' and inserting ''fiscal years 2011 through 2015''.

(b) TECHNICAL AND LEGAL ASSISTANCE.—

(1) TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.—Section 102 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3662) is amended by inserting ''(including guardians ad litem and court-appointed special advocates for children and juveniles)'' after ''civil legal assistance''.

(2) TRIBAL CRIMINAL LEGAL ASSISTANCE GRANTS.—Section 103 of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3663) is amended by striking ''criminal legal assistance to members of Indian tribes and tribal justice systems'' and inserting ''defense counsel services to all defendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts''.

(3) FUNDING.—The Indian Tribal Justice Technical and Legal Assistance Act of 2000 is amended—

(A) in section 107 (as redesignated by section 104(a)(2)(A)), by striking ''2000 through 2004'' and inserting ''2011 through 2015''; and

(B) in section 201(d) (25 U.S.C. 3681(d)), by striking ''2000 through 2004'' and inserting ''2011 through 2015''.

SEC. 403. TRIBAL RESOURCES GRANT PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in each of paragraphs (1) through (4) and (6) through (17), by inserting ''to'' after the paragraph designation;

(B) in paragraph (1), by striking ''State and'' and inserting ''State, tribal, or'';

(C) in paragraphs (9) and (10), by inserting '', tribal,'' after ''State'' each place it appears;

(D) in paragraph (15)—

(i) by striking ''a State in'' and inserting ''a State or Indian tribe in'';

(ii) by striking ''the State which'' and inserting ''the State or tribal community that''; and

(iii) by striking ''a State or'' and inserting ''a State, tribal, or'';

(E) in paragraph (16), by striking ''and'' at the end;

(F) in paragraph (17), by striking the period at the end and inserting ''; and'';

(G) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively; and

(H) by adding at the end the following:

''(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).''.

(2) in subsection (i), by striking ''The authority'' and inserting ''Except as provided in subsection (j), the authority''; and

(3) by adding at the end the following:

''(j) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—Notwithstanding subsection (i) and section 1703, and in acknowledgment of the Federal nexus and distinct Federal responsibility to address and prevent crime in Indian country, the Attorney General shall provide grants under this section to Indian tribal governments, for fiscal year 2011 and any fiscal year thereafter, for such period as the Attorney General determines to be appropriate to assist the Indian tribal governments in carrying out the purposes described in subsection (b).

''(2) PRIORITY OF FUNDING.—In providing grants to Indian tribal governments under this subsection, the Attorney General shall take into consideration reservation crime rates and tribal law enforcement staffing needs of each Indian tribal government.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection—

''(A) shall be 100 percent; and

''(B) may be used to cover indirect costs.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2011 through 2015.

''(k) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

''(1) the problem of intermittent funding;

''(2) the integration of COPS personnel with existing law enforcement authorities; and

''(3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.''.

SEC. 404. TRIBAL JAILS PROGRAM.

(a) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (a) and inserting the following:

''(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this part, of amounts made available to the Attorney General to carry out programs relating to offender incarceration, the Attorney General shall reserve $35,000,000 for each of fiscal years 2011 through 2015 to carry out this section.''.

(b) REGIONAL DETENTION CENTERS.—

(1) IN GENERAL.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by striking subsection (b) and inserting the following:

''(b) GRANTS TO INDIAN TRIBES.—

''(1) IN GENERAL.—From the amounts reserved under subsection (a), the Attorney General shall provide grants—

''(A) to Indian tribes for purposes of—

''(i) construction and maintenance of jails on Indian land for the incarceration of offenders subject to tribal jurisdiction;

''(ii) entering into contracts with private entities to increase the efficiency of the construction of tribal jails; and

''(iii) developing and implementing alternatives to incarceration in tribal jails;

''(B) to Indian tribes for the construction of tribal justice centers that combine tribal police, courts, and corrections services to address violations of tribal civil and criminal laws;

''(C) to consortia of Indian tribes for purposes of constructing and operating regional detention centers on Indian land for long-term incarceration of offenders subject to tribal jurisdiction, as the applicable consortium determines to be appropriate.

''(2) PRIORITY OF FUNDING.—in providing grants under this subsection, the Attorney General shall take into consideration applicable—

''(A) reservation crime rates;

''(B) annual tribal court convictions; and

''(C) bed space needs.

''(3) FEDERAL SHARE.—Because of the Federal nature and responsibility for providing public safety on Indian land, the Federal share of the cost of any activity carried out using a grant under this subsection shall be 100 percent.''.

(2) CONFORMING AMENDMENT.—Section 20109(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(c)) is amended by inserting ''or consortium of Indian tribes, as applicable,'' after ''Indian tribe''.

(3) LONG-TERM PLAN.—Section 20109 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709) is amended by adding at the end the following:

''(d) LONG-TERM PLAN.—Not later than 1 year after the date of enactment of this subsection, the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with tribal leaders, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

''(1) a description of proposed activities for—

''(A) construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25

U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;

''(B) contracting with State and local detention centers, on approval of the affected tribal governments; and

''(C) alternatives to incarceration, developed in cooperation with tribal court systems;

''(2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and

''(3) any other alternatives as the Attorney General, in coordination with the Bureau of Indian Affairs and in consultation with Indian tribes, determines to be necessary.''.

SEC. 405. TRIBAL PROBATION OFFICE LIAISON PROGRAM.

Title II of the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. 3681 et seq.) is amended by adding at the end the following:

''SEC. 203. ASSISTANT PROBATION OFFICERS.

''To the maximum extent practicable, the chief judge or chief probation or pretrial services officer of each judicial district, in coordination with the Office of Tribal Justice and the Office of Justice Services, shall—

''(1) appoint individuals residing in Indian country to serve as probation or pretrial services officers or assistants for purposes of monitoring and providing services to Federal prisoners residing in Indian country; and

''(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.''.

SEC. 406. TRIBAL YOUTH PROGRAM.

(a) INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS.—Section 504 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5783) is amended—

(1) in subsection (a), by inserting '', or to federally recognized Indian tribe or consortia of federally recognized Indian tribes under subsection (d)'' after ''subsection (b)''; and

(2) by adding at the end the following:

''(d) GRANTS FOR TRIBAL DELINQUENCY PREVENTION AND RESPONSE PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall make grants under this section, on a competitive basis, to eligible Indian tribes or consortia of Indian tribes, as described in paragraph (2)—

''(A) to support and enhance—

''(i) tribal juvenile delinquency prevention services; and

''(ii) the ability of Indian tribes to respond to, and care for, juvenile offenders; and

''(B) to encourage accountability of Indian tribal governments with respect to preventing juvenile delinquency and responding to, and caring for, juvenile offenders.

''(2) ELIGIBLE INDIAN TRIBES.—To be eligible to receive a grant under this subsection, an Indian tribe or consortium of Indian tribes shall submit to the Administrator an application in such form and containing such information as the Administrator may require.

''(3) CONSIDERATIONS.—In providing grants under this subsection, the Administrator shall take into consideration, with respect to the Indian tribe to be served, the—

''(A) juvenile crime rates;

''(B) dropout rates; and

''(C) number of at-risk youth.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for each of fiscal years 2011 through 2015.''.

(b) COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.—Section 206(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(2)) is amended—

(1) in subparagraph (A), by striking ''Nine'' and inserting ''Ten''; and

(2) in subparagraph (B), by adding at the end the following:

''(iv) One member shall be appointed by the Chairman of the Committee on Indian Affairs of the Senate, in consultation with the Vice Chairman of that Committee and the Chairman and Ranking Member of the Committee on Natural Resources of the House of Representatives.''.

SEC. 407. IMPROVING PUBLIC SAFETY PRESENCE IN RURAL ALASKA.

(a) DEFINITIONS.—In this section:

(1) STATE.—

(A) IN GENERAL.—The term ''State'' means the State of Alaska.

(B) INCLUSION.—The term ''State'' includes any political subdivision of the State of Alaska.

(2) VILLAGE PUBLIC SAFETY OFFICER.—The term ''village public safety officer'' means an individual employed as a village public safety officer under the program established by the State pursuant to Alaska Statute 18.65.670.

(3) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given that term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 450b(l)).

(b) COPS GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) (provided that only an Indian tribe or tribal organization may receive a grant under the tribal resources grant program under subsection (j) of that section) on an equal basis with other eligible applicants for funding under that section.

(c) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANTS.—The State and any Indian tribe or tribal organization in the State that employs a village public safety officer shall be eligible to apply for a grant under the Staffing for Adequate Fire and Emergency Response program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a) on an equal basis with other eligible applicants for funding under that program.

(d) TRAINING FOR VILLAGE PUBLIC SAFETY OFFICERS AND TRIBAL LAW ENFORCEMENT POSITIONS FUNDED UNDER COPS PROGRAM.—

(1) IN GENERAL.—Any village public safety officer or tribal law enforcement officer in the State shall be eligible to participate in any training program offered at the Indian Police Academy of the Federal Law Enforcement Training Center.

(2) FUNDING.—Funding received pursuant to grants approved under section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) may be used for training of officers at programs described in paragraph (1) or at a police academy in the State certified by the Alaska Police Standards Council.

(e) FUNDS FOR COURTS OF LAW ENFORCEMENT OFFICERS.—Section 112(a) of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 62) is amended—

(1) by striking paragraph (1);

(2) by redesignating subparagraphs (A) and (B) of paragraph (2) as paragraphs (1) and (2), respectively, and indenting appropriately; and

(3) by redesignating clauses (i) through (iv) of paragraph (2) (as so redesignated) as subparagraphs (A) through (D), respectively, and indenting appropriately.

TITLE V—INDIAN COUNTRY CRIME DATA COLLECTION AND INFORMATION SHARING

SEC. 501. TRACKING OF CRIMES COMMITTED IN INDIAN COUNTRY.

(a) GANG VIOLENCE.—Section 1107 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 534 note; Public Law 109–162) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (8) through (12) as paragraphs (9) through (13), respectively;

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

''(8) the Office of Justice Services of the Bureau of Indian Affairs;'';

(C) in paragraph (9) (as redesignated by subparagraph (A)), by striking ''State'' and inserting ''tribal, State,''; and

(D) in paragraphs (10) through (12) (as redesignated by subparagraph (A)), by inserting ''tribal,'' before ''State,'' each place it appears; and

(2) in subsection (b), by inserting ''tribal,'' before ''State,'' each place it appears.

(b) BUREAU OF JUSTICE STATISTICS.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (c)—

(A) in each of paragraphs (3) through (6), by inserting ''tribal,'' after ''State,'' each place it appears;

(B) in paragraph (7), by inserting ''and in Indian country'' after ''States'';

(C) in paragraph (9), by striking ''Federal and State Governments'' and inserting ''Federal Government and State and tribal governments'';

(D) in each of paragraphs (10) and (11), by inserting '', tribal,'' after ''State'' each place it appears;

(E) in paragraph (13), by inserting '', Indian tribes,'' after ''States'';

(F) in paragraph (17)—

(i) by striking ''State and local'' and inserting ''State, tribal, and local''; and

(ii) by striking ''State, and local'' and inserting ''State, tribal, and local'';

(G) in paragraph (18), by striking ''State and local'' and inserting ''State, tribal, and local'';

(H) in paragraph (19), by inserting ''and tribal'' after ''State'' each place it appears;

(I) in paragraph (20), by inserting '', tribal,'' after ''State''; and

(J) in paragraph (22), by inserting '', tribal,'' after ''Federal'';

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting the subparagraphs appropriately;

(B) by striking ''To insure'' and inserting the following:

''(1) IN GENERAL.—To ensure''; and

(C) by adding at the end the following:

''(2) CONSULTATION WITH INDIAN TRIBES.—The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.'';

(3) in subsection (e), by striking ''subsection (d)(3)'' and inserting ''subsection (d)(1)(C)'';

(4) in subsection (f)—

(A) in the subsection heading, by inserting '', Tribal,'' after ''State''; and

(B) by inserting '', tribal,'' after ''State''; and

(5) by adding at the end the following:

''(g) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.''.

(c) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

SEC. 502. CRIMINAL HISTORY RECORD IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 1301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(a)) is amended by inserting '', tribal,'' after ''State''.

(b) EFFECT OF GRANTS.—Nothing in this section or any amendment made by this section—

(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program.

TITLE VI—DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROSECUTION AND PREVENTION

SEC. 601. PRISONER RELEASE AND REENTRY.

(a) DUTIES OF BUREAU OF PRISONS.—Section 4042 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by inserting '', tribal,'' after ''State'';

(2) in subsection (b)(1), in the first sentence, by striking ''officer of the State and of the local jurisdiction'' and inserting ''officers of each State, tribal, and local jurisdiction''; and

(3) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''officer of the State and of the local jurisdiction'' and inserting ''officer of each State, tribal, and local jurisdiction''; and

(B) in subparagraph (B), by inserting '', tribal,'' after ''State'' each place it appears.

(b) AUTHORITY OF INSTITUTE; TIME; RECORDS OF RECIPIENTS; ACCESS; SCOPE OF SECTION.—Section 4352(a) of title 18, United States Code, is amended—

(1) in paragraphs (1), (3), (4), and (8), by inserting ''tribal,'' after ''State,'' each place it appears;

(2) in paragraph (6)—

(A) by inserting ''and tribal communities,'' after ''States''; and

(B) by inserting '', tribal,'' after ''State''; and

(3) in paragraph (12) by inserting '', tribal,'' after ''State''.

SEC. 602. DOMESTIC AND SEXUAL VIOLENCE OFFENSE TRAINING.

Section 3(c)(9) of the Indian Law Enforcement Reform Act (25 U.S.C. 2802(c)(9)) (as amended by section 101(a)(2)) is amended by inserting before the semicolon at the end the following: '', including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses''.

SEC. 603. TESTIMONY BY FEDERAL EMPLOYEES.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 305) is amended by adding at the end the following:

''SEC. 16. TESTIMONY BY FEDERAL EMPLOYEES.

''(a) APPROVAL OF EMPLOYEE TESTIMONY OR DOCUMENTS.—

''(1) IN GENERAL.—The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the 'Director concerned'), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

''(2) DEADLINE.—The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

''(b) APPROVAL.—

''(1) IN GENERAL.—The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

''(2) FAILURE TO APPROVE.—If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.''.

SEC. 604. COORDINATION OF FEDERAL AGENCIES.

Any report of the Secretary of Health and Human Services to Congress on the development of Indian victim services and victim advocate training programs shall include any recommendations that the Secretary determines to be necessary to prevent the sex trafficking of Indian women.

SEC. 605. SEXUAL ASSAULT PROTOCOL.

The Indian Law Enforcement Reform Act (25 U.S.C. 2801 et seq.) (as amended by section 603) is amended by adding at the end the following:

''SEC. 17. POLICIES AND PROTOCOL.

''The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.''.

SEC. 606. STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESPONSE CAPABILITIES.

(a) STUDY.—The Comptroller General of the United States shall—

(1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and

(2) develop recommendations for improving those capabilities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.

The SPEAKER pro tempore (Mr. PASCRELL of New Jersey). Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

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

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

Mr. RAHALL. On January 19, 2010, the House passed H.R. 725 under suspension of the rules. This bill, introduced by our colleague from Arizona, Mr. ED PASTOR, would improve prosecution of unlawful misrepresentation and counterfeiting of American Indian jewelry, pottery, baskets, rugs, and other items under the Indian Arts and Crafts Act of 1990.

H.R. 725 would authorize any Federal law enforcement officer to conduct an investigation of an offense involving the sale of any good that is misrepresented as an Indian-produced good or product that occurs within the United States.

□ 1120

On June 23, 2010, the Senate passed H.R. 725 by unanimous consent without changes to the House-passed text. However, the Senate did add the language of the Tribal Law and Order Act of 2010 introduced by Senator DORGAN. The House counterpart is H.R. 1924, sponsored by our colleague and valued member of the Natural Resources Committee, Representative HERSETH SANDLIN.

In addition, the Senate included provisions from H.R. 1333, which was introduced by Mr. GRIJALVA. H.R. 1333 passed the House by voice vote on September 30, 2009, and would permit tribal governments to use display fireworks for ceremonial and other purposes.

Despite the Federal responsibilities to protect Indian communities, the violent crime rate on reservations is 2½ times the national average. Amnesty International estimates that more than one in three Native women will be raped in their lifetimes. The Tribal Law and Order Act addresses these critical tribal public safety and justice issues by establishing accountability measures for Federal agencies responsible for investigating and prosecuting reservation crime and by providing tribes with additional tools to combat crime locally.

Among other vital improvements to existing law, the Tribal Law and Order Act would, one, require the Department of Justice to maintain data on criminal declinations and share evidence with tribal justice officials when a case is declined; number two, authorize tribes to increase sentencing authority for up to 3 years in certain situations; number three, provide tribal police with greater access to criminal history databases such as the National Crime Information Center; and, four, mandate that Indian Health Service and Bureau of Indian Affairs officials provide documents and testimony in prosecutions before tribal courts.

In short, the Tribal Law and Order bill would address the profound public safety needs and provide the additional law enforcement and criminal justice resources sorely needed on Indian reservations across the country.

I want to commend our colleague, the gentleman from Arizona (Mr. PASTOR), for his hard work and dedication to this legislation. I also thank Ms. HERSETH SANDLIN for her efforts for championing the tribal law and order portion of the bill. Both Members are addressing long-standing problems in Indian Country, and I ask my colleagues to support its passage.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, included in this legislation are a great many important anti-

crime, anti-violence provisions that will assist and support Indian tribes across the country. There is considerable bipartisan support for what this bill aims to do, and yet today it is being considered before the House using a process and procedure that elicits opposition.

Mr. Speaker, let me be clear: The objections that I will express today are focused squarely on the matter in which the House leaders have chosen to have this bill debated.

Violence and crime against Indians is a serious problem deserving the attention of this Congress. Such an important issue as this should not be relegated to the suspension calendar where innocuous bills are often given just cursory consideration. The process being used today to consider this legislation is normally reserved for bills such as naming post offices and congratulating sports teams on winning championships. Addressing crimes against Indians deserves to be considered in a much more serious, thorough process.

Furthermore, the manner in which this bill was passed in the Senate and being considered in this House is unfair to not only all 435 Members of the House but also to every Indian constituent that they represent. A procedure is being used to consider this bill that denies every House Member the ability to offer a suggestion to improve it, even Members whose Indian constituents may seek such improvements.

The bill before us today, H.R. 725, started out as an Indian Arts and Craft Amendments Act of 2010. It was an innocuous 10-page bill with almost no cost whose purpose was to address counterfeit arts and crafts wrongfully marketed as Indian-made product. There was almost no disagreements over the merits and policies of this bill when it first passed this body.

The Senate took H.R. 725 and attached the tribal law and order provisions. Again, these are policies that merit action by Congress on which I believe there is a great deal of agreement. Yet the process and manner by which this is being done is generating opposition. When a widely supported arts and crafts bill that is just a few pages in length and which costs nothing is changed by the Senate to run over 100 pages with authorized spending of over a billion dollars, to me, Mr. Speaker, that is simply unacceptable.

As I said, I oppose this controversial process and procedure being used on a bill of this magnitude. I opposed such procedures in the past, and I've opposed such a process as the ranking member of this committee, most notably on the omnibus lands bill that passed last year.

So I regret that I must stand here today and oppose passing this bill using this process. Indian Country deserves more attention and better treatment than to have this legislation appear on a suspension calendar which is most often used, as I mentioned before, to name post offices. A bill on an issue as important as this should not be heard because it does disrespect to the committees. And it should be given more than 40 minutes of the House's attention.

The Members of this House deserve a fair opportunity to improve legislation—not to be totally blocked from offering any suggestions including any sought by their Indian constituents. Again, when a process is used to transform a several-page, no-cost bill on Indian arts and crafts into a 100-page billion dollar bill on violence and crime, then it should not be considered in this manner. It deserves the true attention of all Members of this House.

For those reasons, Mr. Speaker, I urge my colleagues to oppose this bill under this unfair process.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman that has helped bring this legislation to the floor of the House, the gentleman from Arizona (Mr. PASTOR).

(Mr. PASTOR of Arizona asked and was given permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. Mr. Speaker, the underlying bill, the Indian Arts and Crafts Amendment bill, started in the Senate. It started with Senator MCCAIN and Senator KYL from Arizona. The Senate passed that particular bill from the Senate. It came over here. And as Chairman RAHALL told you, my companion bill, the bill that I authored, was passed by the House and mirrored the bill passed in the Senate.

When it went over to the Senate, the Indian Arts and Crafts bill, checking with Senator MCCAIN and Senator KYL, the amendment was added to the bill, the underlying bill. The Senate, by unanimous consent, took the amended bill and sent it back to us for our consideration, and that's where we are today.

Mr. Speaker, I will tell you that this bill has been heard in the Senate, has been heard in the House—the underlying bill as well as the amendment—and, Mr. Speaker, I will tell you that there is concurrence in Indian Country that this bill is supported. There is concurrence here with the Native American Caucus, which is a bipartisan caucus that deals with the interests, the positive interests, of Native American issues, who are in support of it.

The gentleman objects because of the procedure, but the content and the support is there. And so I would ask my colleagues, both on the Republican side and the Democratic side, to support this bill, which has had the scrutiny of the Senate and the House and a bill that has the approval, unanimous consent, in a bipartisan manner.

□ 1130

It's very rarely that we see this type of cooperation between the House and the Senate, much less cooperation in a bipartisan manner. So I would ask my colleagues to support this bill and have it pass and be signed by the President.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 725, the Senate amendments to the Indian Arts and Crafts Amendment Act. This bill was originally passed in this body by a voice vote. In the Senate, however, the bill was amended to include the tribal law and order bill, and that's what I want to focus my remarks on today.

This bill passed the United States Senate by unanimous consent after Senator COBURN and the Senate Republican Senate Study Committee negotiated certain spending reductions and addressed spending concerns.

There's no question, I think both sides of the aisle agree, that the Federal Government has a new unique obligation to ensure that these Americans, the first Americans, are granted the same public safety rights and protections that other American citizens enjoy. Law enforcement in Indian Country, however, has been woefully underfunded and mismanaged over decades, resulting in a drastic situation for many of our fellow Americans.

I want to particularly thank my colleague Representative STEPHANIE HERSETH SANDLIN and her staff for the remarkably bipartisan way in which she worked with my staff and myself to address some of the concerns that we had. Obviously, I want to thank my fellow chairman of the Native American Caucus, DALE KILDEE, and some of my Republican coauthors and supporters of this legislation like Representatives SIMPSON, CALVERT and KLINE.

However, I agree very much with my colleague Mr. HASTINGS' concern that this legislation should have been brought to this body under a rule, because it is indeed a major spending piece of legislation and there are many important and dramatic changes in Federal law, and we should have treated it under normal process. That's a legitimate Republican concern. I think it ought to be a concern of everybody in this body, and quite frankly, we will lose votes today on this legislation because of the manner in which it was brought to the floor, and that is unfortunate. Frankly, if we don't make it today, it will be because the Democratic leadership chose to bring it to the floor this way. Had it been brought under normal order, it would pass easily.

However, having said that, I think this is a case in which substance must trump process for the good of our fellow Americans in Indian Country. The problems as I mentioned earlier are severe. On Indian reservations crime is 2½ times the national average. One in three Native women will be raped over the course of a lifetime. We have only

3,000 tribal officers to cover 56 million acres of Indian Country, and even if criminals are apprehended, many tribal law enforcement officials have not had the opportunity to receive the training and resources they need to adequately carry out their duties and secure convictions. Further, if the perpetrator is a non-Indian, it becomes a maze of Federal, State, and tribal law to determine whose responsibility it is to prosecute crimes.

We have had a very difficult legislative process to work through some of these problems. This bill isn't a cure-all but it's an important start in moving in the right direction.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. COLE. I thank the gentleman.

This bill not only reauthorizes existing programs at existing or last appropriated levels—in other words, there's no new spending in this bill—it provides enhanced sentencing authority so the tribes may impose longer sentences on Native Americans, not on nontribal citizens or non-Native Americans. It enhances evidence sharing and Federal accountability, and increases officers on the ground in Indian Country. It streamlines the process for the BIA and IHS employees to testify in sexual assault cases, and reauthorizes funding to support tribal courts.

In closing, all Americans have the right to public safety and security, but it's preeminently a Federal responsibility to protect those rights in Indian Country. A vote against this bill, in my opinion, is a vote to continue the status quo of rampant violence and drug abuse in Indian Country, which we have an opportunity to make significant progress on. This legislation will only pass as it did in the Senate if it has significant bipartisan support, and I hope that support is available here today. I urge my colleagues on both sides to pass this important piece of legislation.

Mr. RAHALL. Mr. Speaker, one of the main movers of this legislation is the gentlelady from South Dakota (Ms. HERSETH SANDLIN). She has been a tremendous help on our Committee on Natural Resources on all issues but especially those affecting Indian Country, and Indian Country can be very proud of the friend they have in STEPHANIE HERSETH SANDLIN.

I yield 5 minutes to the gentlewoman.

Ms. HERSETH SANDLIN. Mr. Speaker, I want to first thank Chairman RAHALL for yielding me time and for his outstanding leadership of the Natural Resources Committee and his Office of Indian Affairs in moving this important legislation forward.

I would also like to thank the Judiciary Committee chairman, Mr. CONYERS, as well as my good friend, Mr. SCOTT, chairman of the Subcommittee on Crime, Terrorism and Homeland Security. Through their efforts on the Judiciary Committee, the bill has been strengthened in its final form.

I would like to thank my good friend the gentleman from Oklahoma (Mr. COLE) and his staff for his strong partnership in moving this important bill through the House.

I urge my colleagues to support this bipartisan bill that passed the Senate by unanimous consent. The Tribal Law and Order Act will improve law enforcement efforts and combat sexual assault and drug smuggling in Indian Country. It reauthorizes existing programs designed to strengthen tribal courts, police departments, and correction centers, as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth.

A vote against this bill is a vote to keep the status quo, a status quo where it's estimated that one in three American Indian women and Alaska Native women will be raped in their lifetime.

A vote against this bill will maintain the status quo, a status quo where drug trafficking organizations are targeting Indian reservations to manufacture and distribute illegal substances because of the lack of law enforcement on Indian land.

Native American families, like all families, deserve a basic sense of safety and security in their community. Law enforcement is one of the Federal Government's trust obligations to federally recognized tribes. Yet as tribes all across the country know all too well, Congress is failing to meet that obligation.

The situation is particularly challenging for large, land-based reservations in South Dakota and elsewhere. Officials from the Oglala Sioux Department of Public Safety recently had six officers to cover the Pine Ridge Reservation, an area larger than the States of Delaware and Rhode Island combined.

The kinds of problems that arise from such a limited law enforcement presence include the case of a young woman living on the Pine Ridge Reservation. She'd received a restraining order against an ex-boyfriend who battered her. One night she was home alone, woke up as he attempted to break into her home with a crowbar. She immediately called the police, but due to a lack of land lines for telephones and spotty cell phone coverage, the call was cut off three times before she reported her situation to the dispatcher. The nearest officer was about 40 miles away, and even though the police officer who took the call started driving to her home at 80 miles an hour, by the time he arrived the woman was severely bloodied and beaten and the perpetrator had escaped.

Today, the House has an opportunity to deal with these issues, to deal with these issues and so many others to make a difference in the lives of Native Americans across the country. The Senate has already unanimously approved it.

Senator JON KYL, the Republican whip, said when the bill passed the Senate, ''Many tribal communities today lack the support and tools needed to combat the terrible violence and crimes they experience. That's why I applaud the passage of the Tribal Law and Order Act, which authorizes desperately needed funds for law enforcement in Indian Country.''

Senator JOHN BARRASSO, vice chairman of the Senate Indian Affairs Committee added, ''Through this bill we are sending a strong message that Indian reservations will not be a haven for criminal activity, drug trafficking, gangs, or abuse.''

The Tribal Law and Order Act also has the support of the administration, the National Congress of American Indians, and many other tribal, State, and local governments and organizations.

□ 1140

We have worked for years, over many Congresses, in field hearings where Members of this body and their staff have traveled to South Dakota and to other Native American communities to fully understand the magnitude of this problem and the importance of acting in this Congress, working with the Senate in a bipartisan way through weeks and months of negotiations to make responsible changes to this bill to address the concerns that Members on both sides of the aisle had expressed about the bill. We have made those changes.

Senator COBURN has been satisfied that we have made those changes. We have worked diligently in the committees of jurisdiction to address the changes, to ask what it is that any Member has to get them to a ''yes.'' We can't delay any further. Native American women and their children are the most at risk. The statistics bear it out.

I ask my colleagues to join me in passing this important bipartisan bill and send it to the President for his signature.

Mr. Speaker, I would like to include in the RECORD the following letters and resolutions in support of H.R. 725.

NATIONAL CONGRESS
OF AMERICAN INDIANS,
Washington, DC, June 29, 2010.

Hon. JOHN CONYERS,
Chair, Committee on the Judiciary, House of Representatives, Washington, DC.

Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: On behalf of the National Congress of American Indians, I write to strongly urge your support for the revised version of the Tribal Law and Order Act, unanimously approved in the Senate on June 23, 2010, and included within a House-passed version of the Indian Arts & Crafts Act (H.R. 725). This bipartisan legislation is of critical importance to improving public safety on Indian reservations throughout the country, and we urge you to support proceeding with the passage of the legislation on the floor of the House of Representatives.

The House Judiciary Committee held a hearing on the companion bill (H.R. 1924) in

December, and Marcus Levings, Chairman of the Mandan, Arikara & Hidatsa Nation, provided testimony on behalf of NCAI that also detailed the effects of crime on his tribe and his family. Despite the federal responsibilities to protect Indian communities, the violent crime rate on reservations is two and a half times the national average; Native women are victims of rape and sexual assault at three times the national average; and tribal lands are increasingly the target of drug trafficking and gang-related activity. These problems are exacerbated by the fact that the Department of Justice is subject to little oversight on its performance. The Denver Post has reported that the federal government declines to prosecute 62% of Indian country criminal cases referred to federal prosecutors, including 75% of child and adult sex crimes. We would like to particularly thank Chairman Scott and the Crime, Terrorism, and Homeland Security Subcommittee for their work on the legislation.

The Senate bill has incorporated a number of changes at the suggestion of the Subcommittee, as well as amendments suggested by both Democratic and Republican Senators. In addition, the bill has received a great deal of input from the Department of Justice, the federal Judicial Conference, and from tribal leaders and law enforcement officials across the country. As approved by the Senate, H.R. 725 is well-vetted and bi-partisan legislation that is necessary to address the regrettable public safety trends that exist on Indian lands.

When enacted, the Tribal Law & Order Act will:

Require the Department of Justice to maintain and compile data on declinations of Indian country cases and submit annual reports to Congress;

Authorize the DOJ to appoint special tribal prosecutors to assist in prosecuting Indian country crimes;

Expand the special law enforcement commissions program, clarify the standards required of tribal officers, and permit flexibility in reaching MOUs between the BIA and tribal governments that seek special commissions;

Allow tribal law enforcement personnel to obtain training at various accredited facilities, instead of insisting all BIA police officers receive training from the lone Indian Police Academy in Artesia, New Mexico;

Encourage cooperation between state and tribal law enforcement;

Increase and clarify tribal sentencing authority under the Indian Civil Rights Act; and

Enable BIA and tribal police access to Federal criminal information databases.

When enacted, the Tribal Law and Order Act will address these and other critical shortcomings in the criminal justice system. That is why I respectfully request your active support to ensure House passage of H.R. 725.

Sincerely,

JEFFERSON KEEL,
NCAI President.

JULY 20, 2010.

Re. Tribal Law and Order Act (H.R. 725).

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.
Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. DOC HASTINGS,
Ranking Member, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR MEMBERS: As former United States Attorneys appointed by President George W. Bush—and as Republicans committed to helping Indian tribes and nations fight violent crime—we strongly support the Tribal Law and Order Act and urge you to pass H.R. 725 now.

Enacting this bill will help make federal prosecutors serving Indian Country more accountable and responsive to local needs. H.R. 725 will also provide tribal governments with more flexible sentencing authority that respects the rights of crime victims and criminal defendants alike. Communities across Indian Country stand to gain from the prudent use of these enhanced tools to enforce the rule of law.

These and other key provisions of the Tribal Law and Order Act have been debated for many years. Meanwhile, violent crime rates throughout much of Indian Country have remained unacceptably high—at least two-and-half times the national average. Now is the time for the House to act by passing H.R. 725.

Thank you for your leadership and service to the country we love.

Sincerely,

HON. THOMAS B. HEFFELFINGER,
Former United States Attorney for the District of Minnesota (1991–1993; 2001–2006).
HON. TROY A. EID,
Former United States Attorney for the District of Colorado (2006–2009).

AMNESTY INTERNATIONAL,
July 2, 2010.

Hon. JOHN CONYERS,
Chair, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: On behalf of Amnesty International USA's nearly half a million members, I am writing to strongly urge your support for the Tribal Law and Order Act of 2009, the provisions of which were included in the Senate-passed version of H.R. 725, The Indian Arts and Crafts Amendment Act of 2010.

The Tribal Law and Order Act, which serves as a long overdue effort to address violent crime and public safety issues in Indian Country, would enhance the criminal justice system in Indian Country by improving coordination and communication between federal, state, local and tribal law enforcement agencies. Amnesty International USA strongly supports the Act and encourages you to support proceeding with the passage of H.R. 725, including the Tribal Law and Order Act provisions, on the floor of the House of Representatives.

In 2007, Amnesty International USA released the report Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA. The report revealed violence against Native American and Alaska Native women at epidemic proportions. This violence is an ongoing violation of Native American and Alaska Native women's most fundamental human rights and freedoms. For example, Native American and Alaska Native women are more than two and a half times more likely to be raped or sexually assaulted than women in the United States in general. More than one in three Native American and Alaska Native women will be raped in their lifetime and, according to Department of Justice statistics, 86 per cent of perpetrators of sexual assault and rape against Native women are non-Native men.

Because of a confusing maze of federal, state and tribal laws and jurisdictions, perpetrators of this particularly brutal form of violent crime are frequently not brought to justice. A number of factors enable perpetrators to get away with their crimes, and any effort to reverse that trend must be comprehensive. But the ability of Native women survivors of sexual violence to access comprehensive and quality health care after an assault will in large part determine whether we are able to reverse this trend, or if it will continue. If Native women survivors of sexual assault cannot access properly and sensitively administered sexual assault forensic examinations and if IHS personnel that conducted those examinations are not available to provide expert testimony in a court of law, sexual assault cases are almost certain not to be prosecuted.

The Tribal Law and Order Act was drafted in direct response to concerns raised by tribal leaders, tribal organizations, Native American and Alaska Native women and the AIUSA report, which helped bring widespread attention to the high rates of crimes on tribal lands and the obstacles that victims face in securing justice. Specifically, the Tribal Law and Order Act will serve to:

Clarify the responsibilities of federal, state, and tribal governments with respect to crimes committed in tribal communities;

Increase coordination and communication among federal, state, and tribal law enforcement agencies;

Restore tribal governments with necessary authority, resources, and information to address crimes committed on tribal land;

Combat violence against Native American and Alaska Native women, and;

Increase and standardize the collection and distribution of criminal data among all levels of government responsible for responding to and investigating crimes in tribal communities, including the data necessary to establish whether or not crimes are being prosecuted.

The Tribal Law and Order Act is strong, bipartisan legislation that addresses long overlooked human rights abuses in Indian Country. For these reasons, we request your active support to ensure House passage of H.R. 725 with the provisions of the Tribal Law and Order Act attached.

Thank you for your time and consideration of this request and we look forward to hearing from you.

Sincerely,

LARRY COX,
Executive Director, Amnesty International USA.
CHARON ASETOYER,
Chair, Native American and Alaska Native Advisory Council.

APRIL 26, 2010.

DEAR REPRESENTATIVE/SENATOR SMITH, As representatives of diverse religious faiths

and beliefs, we write in support of the Tribal Law and Order Act of 2009 (HR 1924/S 797). We ask that you honor the two and a half million American Indians and Alaska Natives in our country by cosponsoring this essential bill.

Native Americans, the poorest ethnic group in the United States, live in the midst of a public safety crisis and are therefore a doubly victimized people. Crime rates on reservations are devastating. The average crime rate for American Indians/Alaska Natives is 2.5 times the national average. On some reservations however, the crime rate reaches 10 or 20 times the national average. Native American women suffer from an epidemic of domestic and sexual violence, as one in three Native women is raped in her life time. The criminal justice system is so weak that tribal authorities are left with no way to respond to crime on the reservation. Crimes often do not get reported because victims and families are all too aware of the broken system.

The Tribal Law and Order Act, written in direct consultation with tribal leaders, addresses some of these problems. It does this by:

Expanding tribal access to Federal and State records,

Providing greater Federal and State accountability and transparency in criminal justice processes,

Streamlining protocols and policy regarding domestic violence and sexual abuse, and

Requiring the Federal justice system to report and explain the declination of cases.

When Indian tribes ceded their lands, the United States made promises through treaties and other agreements. Among them was the establishment of a trust responsibility for the safety and well-being of Indian peoples in perpetuity. We believe that honoring the trusts and treaties is a legal and moral imperative. As people of faith, we urge you to cosponsor the Tribal Law and Order Act to fulfill this responsibility.

Sincerely,

Disciples Justice Action Network (Disciples of Christ); The Episcopal Church; Evangelical Lutheran Church in America; Franciscan Action Network; Friends Committee on National Legislation (Quaker); Islamic Society of North America; Mennonite Central Committee U.S. Washington Office; Missionary Oblates; National Advocacy Center of the Sisters of the Good Shepherd; National Council of Churches of Christ in the USA; Presbyterian Church (U.S.A.) Washington Office; Unitarian Universalist Association of Congregations; National Ministries, American Baptist Churches USA; United Church of Christ, Justice and Witness Ministries; United Methodist Church, General Board of Church and Society; and VIVAT International.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 20, 2010.

Re Vote YES for Senate Amendments to H.R. 725, Indian Arts and Crafts Amendments Act.

DEAR REPRESENTATIVE: I write on behalf of the American Bar Association, which has nearly 400,000 members nationwide, to support the Senate amendments to H.R. 725, the Indian Arts and Crafts Amendments Act. We understand H.R. 725 may be considered on the House suspension calendar as early as Wednesday, July 21.

The Senate amendments to H.R. 725 incorporate S. 797, the bipartisan Tribal Law and Order Act of 2009. This legislation would address the violent crime rate in Indian country, which is nearly twice the national average and more than 20 times the national average on some reservations.

The ABA strongly supports the provisions of H.R. 725 that: (1) authorize funding for the development and continued operation of tribal justice systems; (2) address critical barriers preventing the safety of American Indian and Alaska Native women by boosting law enforcement efforts; (3) provide tools to tribal justice officials to fight crime in their own communities; (4) improve coordination between law enforcement agencies; and (5) increase accountability standards.

The ABA strongly supports the Senate amendments which strengthen protection and assistance for victims of gender-based violence, including American Indian and Alaska Native women. The ABA specifically urges Congress to enact this legislation which (1) supports funding for legal assistance for victims of gender-based violence; (2) supports funding to provide training and education about gender-based violence and the needs of victims; (3) supports efforts to foster a multidisciplinary and community approach to serving victims and ending gender-based violence; and (4) supports efforts to ensure that perpetrators of gender-based violence are held accountable.

The ABA urges you to vote yes for H.R. 725 when it is considered on the Suspension calendar. Thank you for your consideration of the ABA's views.

Sincerely,

THOMAS M. SUSMAN,
Director,
Governmental Affairs Office.

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

Mr. RAHALL. Mr. Speaker, I join in thanking the chairman of the House Judiciary Committee, Chairman JOHN CONYERS, for his help on this legislation. In particular, I want to thank the subcommittee chairman on Crime, Terrorism, and Homeland Security, the gentleman from Virginia, BOBBY SCOTT.

I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

I am very pleased to join my colleagues in support of the legislation today, which includes the Tribal Law and Order Act of 2010.

Others have spoken about the epidemic of crime in our Nation's Indian lands, but unfortunately the tribes have reported that many of the crimes, including the very serious crimes such as rape and assault, are not included among those prosecuted in Federal courts by U.S. Attorneys either as a matter of case priorities or limited resources.

With inadequate funding and limited prosecutorial authority of the tribes, even when the crimes are prosecuted in tribal court, the limitation of 12 months on sentences in tribal court does not allow sentences to address the more serious crimes. This bill allows tribal authorities to respond to such crimes and to do so with more appropriate consequences for the more serious and dangerous offenders.

At the same time, it improves the procedures in tribal courts and better protects the rights of tribal defendants. Moreover, as it authorizes more robust enforcement and more appropriate sentences, it also authorizes key programs to address the root causes of crime. These include juvenile delinquency prevention and summer youth programs, as well as drug and alcohol abuse programs.

Finally, while empowering tribes to better police themselves, the bill also addresses Federal law enforcement to do more and improves the coordination among tribal, State, and Federal law enforcement agencies. This is a practical effort to solve a very significant problem in our country.

Mr. Speaker, this is a rare crime bill that comes to the floor of this body with the kind of broad, bipartisan support that the Tribal Law and Order Act has earned. This bill has the unanimous support of the Senate. It has the support of tribal governments and organizations. It has the support from the Justice Department and outside law enforcement groups such as the National District Attorneys Association. We also have the support of Amnesty International.

With that kind of bipartisan support, I urge all of the Members to vote ''yes'' on the motion to suspend the rules and agree to the Senate amendment.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, at this time I would like to enter into a colloquy with the chairman of the committee, and I would like to address changes made to section 201 of the Tribal Law and Order Act that concern Public Law No. 83–280, commonly known as Public Law 280. This law was enacted on August 15, 1953, and Public Law 280 removed the Federal Government's special Indian country law enforcement jurisdiction over almost all Indian lands in the States of Alaska upon statehood, my home State of California, Minnesota, Nebraska, Oregon, and Wisconsin, and permitted these States to exercise criminal jurisdiction over those lands.

The act specifically provides that these States ''shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country . . . to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State.''

Section 201 of the Tribal Law and Order Act of 2010 allows the Federal Government to reassume criminal jurisdiction on Public Law 280 lands when the affected Indian tribe requests the U.S. Attorney General to do so. If the Attorney General concurs, the United States will reassume jurisdiction to prosecute violations of the General and Major Crimes Acts, sections 1152 and 1153 of title 18, that occur on the requesting tribe's reservation. The

bill makes clear that once the United States assumes jurisdictions pursuant to this provision, criminal authority on the affected reservation will be concurrent among the Federal and State governments and, ''where applicable,'' tribal governments.

I would like to ask the distinguished chairman of the Committee on Natural Resources, Mr. RAHALL, to make clear that nothing in the Tribal Law and Order Act retracts jurisdiction from the State governments and nothing in the act will grant criminal jurisdiction in Indian country to an Indian tribe that does not currently have criminal jurisdiction over such land.

I would yield to the chairman for that.

Mr. RAHALL. I thank the gentleman for yielding, and I respond to him that he is correct.

Public Law 280 has been a mixed bag for both the tribes and the States. The States that are subject to Public Law 280 possess authority and responsibility to investigate and prosecute crimes committed on reservations, but, because of subsequent court decisions that sharply limited the extent of Public Law 280's grant of civil jurisdiction to affect the States, these States have almost no ability to raise revenue on Public Law 280 lands.

And to the extent that tribal governments retained concurrent jurisdiction over crimes committed by Indians on these lands, such authority is currently limited to no more than 1 year for any one offense. As such, residents of reservations subject to Public Law 280 have to rely principally on sometimes underfunded State and local law enforcement authorities to prosecute reservation crimes.

The phrase in section 201 that jurisdiction ''shall be concurrent among the Federal Government, State government and, where applicable, tribal governments'' is intended to clarify that the various State governments that are currently subject to Public Law 280 will maintain such criminal authority and responsibility.

In addition, this provision intends to make clear that tribal governments subject to Public Law 280 maintain concurrent criminal authority over offenses by Indians in Indian country where the tribe currently has such authority.

Nothing in this provision will change the current law of criminal jurisdiction for State or tribal government. It simply seeks to return criminal authority and responsibility to investigate and prosecute major crimes in Indian country to the United States where certain conditions are met.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for that.

The SPEAKER pro tempore (Mr. CUELLAR). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. DANIEL E. LUNGREN of California. I concur with the interpretation of the provision expressed by him, and I would like to thank him for his clarification regarding the intent of the language in section 201 of this important legislation.

Mr. Speaker, although I intend to support this legislation, the process under which the bill has been brought up can only be described as stranger than fiction. While it might have been appropriate to consider under suspension an act to protect Indian arts crafts, the guts of that bill have been replaced with language that dramatically affect the criminal justice system on tribal lands.

The House Judiciary Committee on which I serve had no markup, either in subcommittee or at full committee, and although we did have a subcommittee hearing on a different bill, H.R. 1924, which I attended in full and found most interesting and helpful, we did not work our will on the legislation.

□ 1150

Why am I concerned about that? Because there are some very specific parts of Indian law as it incorporates State law in PL–280 States that, frankly, are not fully addressed in this bill. Among other things, it is likely we will need to address the adequacy of the training standards in the bill which are less rigorous than the Police Officer Standards and Training Commission standards in my own State. As the former chairman of that commission, I realize the seriousness of the training requirements of law enforcement officers. Unfortunately, that is not addressed in this bill.

Secondly, there is a concern expressed by law enforcement officials in my State about the adequacy of protection of information. Under current law, under the CLETS system, the California law enforcement system dealing with criminal justice information, it is not currently available to tribal authorities because of the lack of training and of a concern about liability. As this now will be made available through the national system with the Federal Government's work, the question of liability if there is misuse of that information remains, and local law enforcement in my State of California have informed me of their continuing concern on this.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DANIEL E. LUNGREN of California. That is not enough for me to oppose this bill because I think the essentials of this bill are necessary for us to help protect those in Indian lands. But, Mr. Speaker, the nature of Indian land is very different in different States. Some States have very, very large reservations and very few tribes, with very large populations in those tribes. California has, by and large, very small geographic reservations and other properties that are sovereign territory of the Indians involved. We have relatively small bands, but large numbers of them. So we have a different set of circumstances with which we have to deal. I had hoped that we would be able to work legislation that would acknowledge that difference, but unfortunately that did not happen here.

I will support this bill, but it is unfortunate that true concerns expressed by law enforcement in PL–280 States and other areas of the country were not taken into consideration here, and I hope we will have a chance in the future to amend this legislation.

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to another member of our Natural Resources Committee, Representative DALE KILDEE, a classmate of mine and a gentleman who co-chairs the Native American Caucus. Certainly Indian country has a true, true friend in this gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, today I rise in strong support of the Tribal Law and Order Act as an amendment to H.R. 725, the Indian Arts and Crafts Amendments Act. I applaud the hard work and diligence of my friend and colleague, Congresswoman HERSETH SANDLIN, for introducing this legislation; and I thank my good friend, TOM COLE, who has been working hard and well on this legislation.

As co-chair of the Congressional Native American Caucus, I know that this legislation is desperately needed. The Federal Government is obligated through various treaties with Indian tribes to provide public safety, yet it has failed in this duty for far too long.

Mr. Speaker, violence on Indian reservations is 2.5 times higher than the national average. It is estimated that one in three native women will be raped or sexually assaulted in their lifetime. Only 3,000 tribal law enforcement officers cover over 56 million acres of land in Indian Country.

Mr. Speaker, this legislation will impose enhanced sentencing guidelines, provide for more evidence-sharing between Federal agencies, and enhance Federal accountability. It will also provide for more law enforcement officers and increased access to training at State and tribal police academies.

Mr. Speaker, finally, this legislation will reauthorize funding for tribal courts, jails and juvenile detention centers. The Senate passed the same legislation through with bipartisan support. I strongly urge my colleagues to do the same and pass this critical piece of legislation.

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

Mr. RAHALL. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Virginia (Mr. MORAN), the chairman of the Interior Subcommittee on Appropriations.

Mr. MORAN of Virginia. Mr. Chairman, I don't need even that much time to say that I strongly support this bill.

I appreciate the fact that the authorizing committee has brought it to the floor. We will get it passed. The only substantive argument I really hear is a jurisdictional one. The chair of the Judiciary Committee hasn't raised any objection to this. It ought to be passed, and this Congress should be proud that it did.

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

Mr. Speaker, I just want to point out, because I have expressed my opposition to this because of the process which has been acknowledged by several Members on my side of the aisle, the last time legislation like this was taken up was in the 101st Congress. The bill was introduced, I think, on the first day. There were hearings held in the House on that legislation, and then it went through committee markup. It was amended in committee, sent to the House floor, and it was passed on suspension, but that was after the committee had done its work.

It went to the Senate where there were hearings in the Senate. The bill was further amended in the Senate committee. It went to the Senate floor where it was amended again and then came back to the House. The House concurred and amended it one more time. It went back to the Senate, they concurred, and the bill was finally passed.

I point out that that process involved in that case both Houses. Both Houses had ideas on how to improve this legislation. But apparently this year, while a similar bill was introduced in the House, there was only a hearing in the Judiciary Committee. We had no hearing on the incidence of crime in our committee, which I think would have probably provided some insight. I only bring this up, Mr. Speaker, to say that the process in passing legislation should involve both Houses and not just one House.

But I find it rather curious in this instance where those on the other side are saying the Senate did all the work in its wonderful process. I wonder if everybody on the other side of the aisle feels that way with the other issues that are pending here where we seem to have a problem getting concurrence on major issues like the supplemental budget, for example, and a few other issues that are floating around. Maybe we should just yield all of the wisdom in this House to the Senate, as we have on this bill.

Now, I say that somewhat factitiously, obviously, Mr. Speaker, but that is the reason why I feel compelled to make a point of opposing this bill on the process. But we shall see if these other issues are taken up in a like manner by this House, and I won't hold my breath.

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

Mr. RAHALL. Mr. Speaker, may I inquire as to the time I have remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 5 minutes remaining.

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

I appreciate my good friend, the gentleman from Washington's, comments about the other body. However, every now and then some blaze of wisdom or light strikes over there and they do see their way to doing something that is good. And when they do it, you have to give them credit for it. What else can you say?

H.R. 725, as amended, would mark the most significant stride forward in improving the public safety in Indian Country in a generation. Swift passage is not only critical to addressing the problem of unchecked violence in Indian Country, but also to ensuring that the United States meets its solemn trust obligations to tribes.

Mr. Speaker, in conclusion, I thank Members on both sides of the aisle and our staffs, as well, who have worked cooperatively and in a bipartisan fashion. And I thank the Members of the other body as well for that light that they have seen—on this particular issue anyway.

I urge my colleagues to support passage of the legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 725.

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. CHAFFETZ. 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.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

The message also announced that pursuant to Public Law 93–415, as amended by Public Law 102–586, the Chair, on behalf of the Majority Leader, after consultation with the Republican Leader, announces the appointment of the following individuals to the Coordinating Council on Juvenile Justice and Delinquency Prevention:

Richard Vincent of Nevada (2-year term), vice Larry Brendtro.

Deborah Schumacher of Nevada (3-year term), vice William L. Gibbons.

The message also announced that pursuant to Public Law 111–5, the Chair, on behalf of the Democratic Leader, reappoints the following individual to the Health Information Technology Policy Committee:

Dr. Frank Nemec of Nevada.

□ 1200

TO AMEND THE NATIONAL LAW ENFORCEMENT MUSEUM ACT

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1053) to amend the National Law Enforcement Museum Act to extend the termination date.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1053

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

SECTION 1. NATIONAL LAW ENFORCEMENT MUSEUM ACT.

Section 4(f) of the National Law Enforcement Museum Act (Public Law 106–492) is amended by striking ''10 years'' and inserting ''13 years''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the 106th Congress authorized the National Law Enforcement Officers Memorial Fund to establish the National Law Enforcement Museum on a site selected here in the District of Columbia. The authority to begin construction, however, will expire in November of this year, and the project has yet to break ground. S. 1053 will extend the sunset date for 3 years.

Given the enormous sacrifices made by the men and women who work in law enforcement in order to protect our safety and well-being, this is obviously a worthy project, and we support extending its authorization so this museum proposal may continue moving forward. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 1053 has been adequately explained by the ranking member of the committee. We are pleased that, despite the difficult economic environment, the National Law Enforcement Officers Memorial Fund is committed to completing this project without Federal appropriation. So I urge

my colleagues to support this legislation.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, S. 1053.

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.

OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM REAUTHORIZATION ACT OF 2010

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2693) to amend title VII of the Oil Pollution Act of 1990, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2693

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 ''Oil Pollution Research and Development Program Reauthorization Act of 2010''.

SEC. 2. FEDERAL OIL POLLUTION RESEARCH COMMITTEE.

(a) PURPOSES.—Section 7001(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a)(2)) is amended by striking ''State'' and inserting ''State and tribal''.

(b) MEMBERSHIP.—Section 7001(a)(3) of such Act (33 U.S.C. 2761(a)(3)) is amended to read as follows:

''(3) STRUCTURE.—

''(A) MEMBERS.—The Interagency Committee shall consist of representatives from the following:

''(i) The Coast Guard.

''(ii) The Department of Commerce, including the National Oceanic and Atmospheric Administration.

''(iii) The Department of the Interior.

''(iv) The Environmental Protection Agency.

''(B) COLLABORATING AGENCIES.—The Interagency Committee shall collaborate with the following:

''(i) The National Institute of Standards and Technology.

''(ii) The Department of Energy.

''(iii) The Department of Transportation, including the Maritime Administration and the Pipeline and Hazardous Materials Safety Administration.

''(iv) The Department of Defense, including the Army Corps of Engineers and the Navy.

''(v) The Department of Homeland Security, including the United States Fire Administration in the Federal Emergency Management Agency.

''(vi) The National Aeronautics and Space Administration.

''(vii) The National Science Foundation.

''(viii) Other Federal agencies, as appropriate.''.

(c) ROLE OF THE CHAIR.—Section 7001(a)(4) of such Act (33. U.S.C. 2761(a)(4)) is amended to read as follows:

''(4) CHAIR.—

''(A) IN GENERAL.—A representative of the Coast Guard shall serve as Chair.

''(B) ROLE OF CHAIR.—The primary role of the Chair shall be to ensure that—

''(i) the activities of the Interagency Committee and the agencies listed in paragraph (3)(B) are coordinated;

''(ii) the implementation plans required under subsection (b)(1) are completed and submitted;

''(iii) the annual reports required under subsection (e) are completed and submitted;

''(iv) the Interagency Committee meets in accordance with the requirements of paragraph (5); and

''(v) the Oil Pollution Research Advisory Committee under subsection (f) is established and utilized.''.

(d) ACTIVITIES.—Section 7001(a) of such Act (33 U.S.C. 2761(a)) is amended by adding at the end the following:

''(5) ACTIVITIES.—

''(A) ONGOING, COORDINATED EFFORTS.—The Interagency Committee shall ensure that the research, development, and demonstration efforts authorized by this section are coordinated and conducted on an ongoing basis.

''(B) MEETINGS.—

''(i) IN GENERAL.—The Interagency Committee shall meet, or otherwise communicate, as appropriate, to—

''(I) plan program-related activities; and

''(II) determine whether the program is resulting in the development of new or improved methods and technologies to prevent, detect, respond to, contain, and mitigate oil discharge.

''(ii) FREQUENCY.—In no event shall the Interagency Committee meet less than once per year.

''(C) INFORMATION EXCHANGE.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall develop a national information clearinghouse on oil discharge that—

''(i) includes scientific information and research on preparedness, response, and restoration; and

''(ii) serves as a single electronic access and input point for Federal agencies, emergency responders, the research community, and other interested parties for such information.''.

SEC. 3. OIL POLLUTION RESEARCH AND TECHNOLOGY PLAN.

(a) IMPLEMENTATION PLAN.—Section 7001(b)(1) of such Act (33 U.S.C. 2761(b)(1)) is amended—

(1) by striking ''180 days after the date of enactment of this Act'' and inserting ''180 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010 and periodically thereafter, as appropriate, but not less than once every 5 years'';

(2) by striking subparagraph (A) and inserting the following:

''(A) identify the roles and responsibilities of each member agency of the Interagency Committee under subsection (a)(3)(A) and each of the collaborating agencies under subsection (a)(3)(B);'';

(3) in subparagraph (B) by inserting ''containment,'' after ''response,'';

(4) in subparagraph (D) by inserting ''containment,'' after ''response,'';

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

(6) in subparagraph (F)—

(A) by striking ''the States'' through ''research needs'' and inserting ''State and tribal governments, regional oil pollution research needs, including natural seeps and pollution resulting from importing oil from overseas,''; and

(B) by striking the period at the end and inserting a semicolon; and

(7) by adding at the end the following new subparagraphs:

''(G) identify the information needed to conduct risk assessment and risk analysis research to effectively prevent oil discharges, including information on human factors and decisionmaking, and to protect the environment; and

''(H) identify a methodology that—

''(i) provides for the solicitation, evaluation, preapproval, funding, and utilization of technologies and research projects developed by the public and private sector in advance of future oil discharges; and

''(ii) where appropriate, ensures that such technologies are readily available for rapid testing and potential deployment and that research projects can be implemented during an incident response.''.

(b) ADVICE AND GUIDANCE.—Section 7001(b)(2) of such Act (33 U.S.C. 2761(b)(2)) is amended to read as follows:

''(2) ADVICE AND GUIDANCE.—

''(A) IN GENERAL.—The Chair shall solicit advice and guidance in the development of the research plan under paragraph (1) from—

''(i) the Oil Pollution Research Advisory Committee established under subsection (f);

''(ii) the National Institute of Standards and Technology on issues relating to quality assurance and standards measurements;

''(iii) third party standard-setting organizations on issues relating to voluntary consensus standards; and

''(iv) the public in accordance with subparagraph (B).

''(B) PUBLIC COMMENT.—Prior to the submission of the research plan to Congress under paragraph (1), the research plan shall be published in the Federal Register and subject to a public comment period of 30 days. The Chair shall review the public comments received and incorporate those comments into the plan, as appropriate.''.

(c) REVIEW.—Section 7001(b) of such Act (33 U.S.C. 2761(b)) is amended by adding at the end the following:

''(3) REVIEW.—After the submission of each research plan to Congress under paragraph (1), the Chair shall contract with the National Academy of Sciences—

''(A) to review the research plan;

''(B) to assess the adequacy of the research plan; and

''(C) to submit a report to Congress on the conclusions of the assessment.

''(4) INCORPORATION OF RECOMMENDATIONS.—The Chair shall address any recommendations in the review conducted under paragraph (3) and shall incorporate such recommendations into the research plan, as appropriate.''.

SEC. 4. OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—Section 7001(c)(1) of such Act (33 U.S.C. 2761(c)(1)) is amended by striking ''research and development, as provided in this subsection'' and inserting ''research, development, and demonstration, as provided in this subsection and subsection (a)(2)''.

(b) INNOVATIVE OIL POLLUTION TECHNOLOGY.—Section 7001(c)(2) of such Act (33 U.S.C. 2761(c)(2)) is amended—

(1) in the matter before subparagraph (A), by striking ''preventing or mitigating'' and inserting ''preventing, detecting, containing, recovering, or mitigating'';

(2) by striking subparagraph (I);

(3) by redesignating subparagraph (J) as subparagraph (I);

(4) by striking the period at the end of subparagraph (I) (as so redesignated) and by inserting at the end a semicolon; and

(5) by adding at the end the following:

''(J) technologies and methods to address oil discharge on land and in inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas; and

''(K) modeling and simulation capabilities, including tools and technologies, that can be used to facilitate effective recovery and containment of oil discharge during incident response.''.

(c) OIL POLLUTION TECHNOLOGY EVALUATION.—Section 7001(c)(3) of such Act (33 U.S.C. 2761(c)(3)) is amended to read as follows:

''(3) OIL POLLUTION TECHNOLOGY EVALUATION.—The program established under this subsection shall provide for the evaluation of oil pollution prevention, containment, and mitigation technologies, including—

''(A) the evaluation of the performance and effectiveness of such technologies in preventing, detecting, containing, recovering, and mitigating oil discharges;

''(B) the evaluation of the environmental effects of the use of such technologies;

''(C) the evaluation and testing of technologies developed independently of the research and development program established under this subsection, including technologies developed by small businesses;

''(D) the establishment, with the advice and guidance of the National Institute of Standards and Technology, of standards and testing protocols traceable to national standards to measure the performance of oil pollution prevention, containment, or mitigation technologies;

''(E) an evaluation of the environmental effects and utility of controlled field testing;

''(F) the use, where appropriate, of controlled field testing to evaluate real-world application of new or improved oil discharge prevention, response, containment, recovery, or mitigation technologies;

''(G) an evaluation of the effectiveness of oil pollution prevention technologies based on probabilistic risk analyses of the system; and

''(H) research conducted by the Environmental Protection Agency and other appropriate Federal agencies for the evaluation and testing of technologies which demonstrate—

''(i) maximum effectiveness, including application and delivery mechanisms; and

''(ii) minimum effects, including toxicity, to human health and the environment in both the near-term and long-term.''.

(d) OIL POLLUTION EFFECTS RESEARCH.—Section 7001(c)(4) of such Act (33 U.S.C. 2761(c)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—

''(i) ESTABLISHMENT.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall establish a research program to monitor and scientifically evaluate the environmental effects, including long-term effects, of oil discharge.

''(ii) SPECIFICATIONS.—Such program shall include the following elements:

''(I) Research on and the development of effective tools to detect, measure, observe, analyze, monitor, model, and forecast the presence, transport, fate, and effect of an oil discharge throughout the environment, including tools and models to accurately measure and predict the flow of oil discharged.

''(II) The development of methods, including economic methods, to assess and predict damages to natural resources, including air quality, resulting from oil discharges, including in economically disadvantaged communities and areas.

''(III) The identification of types of ecologically sensitive areas at particular risk from oil discharges, such as inland waters, coastal areas, offshore areas, including deepwater and ultra-deepwater areas, and polar and other icy areas.

''(IV) The preparation of scientific monitoring and evaluation plans for the areas identified under subclause (III) to be implemented in the event of major oil discharges in such areas.

''(V) The collection of environmental baseline data in the areas identified under subclause (III) if such data are insufficient.

''(VI) The use of both onshore and offshore air quality monitoring to study the effects of an oil discharge and oil discharge cleanup technologies on air quality; and making the results, health, and safety warnings readily available to the public, including emergency responders, the research community, local residents, and other interested parties.

''(VII) Research on technologies, methods, and standards for protecting removal personnel and for volunteers that may participate in incident responses, including training, adequate supervision, protective equipment, maximum exposure limits, and decontamination procedures.'';

(2) in subparagraph (B)—

(A) by striking ''(B) The Department of Commerce'' and all that follows through ''future oil discharges.'' and inserting the following:

''(B) CONDITIONS.—The Interagency Committee, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall conduct research activities under subparagraph (A) for areas in which—

''(i) the amount of oil discharged exceeds 250,000 gallons; and

''(ii) a study of the long-term environmental effects of the discharge would be of significant scientific value, especially for preventing or responding to future oil discharges.'';

(B) by striking ''ATHOS I, and'' and inserting ''ATHOS I;''; and

(C) by striking the period at the end and inserting ''; Prince William Sound, where oil was discharged by the EXXON VALDEZ; and the Gulf of Mexico, where oil was discharged by the DEEPWATER HORIZON.''; and

(3) in subparagraph (C) by striking ''Research'' and inserting ''COORDINATION.—Research''.

(e) DEMONSTRATION PROJECTS.—Section 7001(c)(6) of such Act (33 U.S.C. 2761(c)(6)) is amended—

(1) by striking the first sentence and inserting the following: ''The United States Coast Guard, in conjunction with such agencies as the President may designate, shall conduct a total of 2 port oil pollution minimization demonstration projects, 1 with the Ports of Los Angeles and Long Beach, California, and 1 with a port on the Great Lakes, for the purpose of developing and demonstrating integrated port oil pollution prevention and cleanup systems that utilize the information and implement the improved practices and technologies developed from the research, development, and demonstration program established in this section.''; and

(2) in the second sentence by striking ''oil spill'' and inserting ''oil discharge''.

(f) SIMULATED ENVIRONMENTAL TESTING.—Section 7001(c)(7) of such Act (33 U.S.C. 2761(c)(7)) is amended by inserting ''Oil pollution technology testing and evaluations shall be given priority over all other activities performed at such Research Center.'' after ''evaluations.''.

(g) REGIONAL RESEARCH PROGRAM.—

(1) IN GENERAL.—Section 7001(c)(8) of such Act (33 U.S.C. 2761(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking ''program of competitive grants'' and inserting ''program of peer-reviewed, competitive grants''; and

(ii) by striking ''(1989)'' and inserting ''(2009)'';

(B) in subparagraph (C) by striking ''the entity or entities which'' and inserting ''at least one entity that''; and

(C) by adding at the end the following new subparagraph:

''(H) In carrying out this paragraph, the Interagency Committee shall coordinate the program of peer-reviewed, competitive grants to universities or other research institutions, including Minority Serving Institutions as defined under section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)), and provide consideration to such institutions in the recommendations for awarding grants.''.

(2) FUNDING.—Section 7001(c)(9) of such Act (33 U.S.C. 2761(c)(9)) is amended by striking ''1991'' and all that follows through ''shall be available'' and inserting ''2011, 2012, 2013, 2014, and 2015, there are authorized to be appropriated from amounts in the Fund $12,000,000''.

SEC. 5. INTERNATIONAL COOPERATION.

Section 7001(d) of such Act (33 U.S.C. 2761(d)) is amended to read as follows:

''(d) INTERNATIONAL COOPERATION.—In accordance with the research plan submitted under subsection (b), the Interagency Committee shall engage in international cooperation by—

''(1) harnessing global expertise through collaborative partnerships with foreign governments and research entities, and domestic and foreign private actors, including nongovernmental organizations and private sector companies; and

''(2) leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to conduct collaborative oil pollution research, development, and demonstration activities, including controlled field tests of oil discharges and other activities designed to improve oil recovery and cleanup.''.

SEC. 6. ANNUAL REPORTS.

Section 7001(e) of such Act (33 U.S.C. 2761(e)) is amended to read as follows:

''(e) ANNUAL REPORT.—

''(1) Concurrent with the submission to Congress of the President's annual budget request in each year after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall submit to Congress a report describing the—

''(A) activities carried out under this section in the preceding fiscal year, including—

''(i) a description of major research conducted on oil discharge prevention, detection, containment, recovery, and mitigation techniques in all environments by each agency described in subsection (a)(3)(A) and (B); and

''(ii) a summary of—

''(I) projects in which the agency contributed funding or other resources;

''(II) major projects undertaken by State and tribal governments, and foreign governments; and

''(III) major projects undertaken by the private sector and educational institutions;

''(B) activities being carried out under this section in the current fiscal year, including a description of major research and development activities on oil discharge prevention, detection, containment, recovery, and mitigation technologies and techniques in all environments that each agency will conduct or contribute to; and

''(C) activities proposed to be carried out under this section in the subsequent fiscal year, including an analysis of how these activities will further the purposes of the program authorized by this section.

''(2) If the National Academy of Sciences provides recommendations on the research

plan under section 7001(b)(3), the Chair shall include, in the first annual report under paragraph (1) of this subsection, a description of those recommendations incorporated into the research plan, and a description of, and explanation for, any recommendations that are not included in such plan.''.

SEC. 7. ADVISORY COMMITTEE.

Section 7001 of such Act (33 U.S.C. 2761) is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Oil Pollution Research and Development Program Reauthorization Act of 2010, the Chair of the Interagency Committee shall establish an advisory committee to be known as the Oil Pollution Research Advisory Committee (in this subsection referred to as the 'advisory committee').

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory committee shall be composed of members appointed by the Chair, in consultation with the each member agency described in subsection (a)(3), including—

''(i) individuals with extensive knowledge and research experience or operational knowledge of prevention, detection, response, containment, and mitigation of oil discharges;

''(ii) individuals broadly representative of stakeholders affected by oil discharges; and

''(iii) other individuals, as determined by the Chair.

''(B) LIMITATIONS.—The Chair shall—

''(i) appoint no more than 25 members that shall not include representatives of the Federal Government, but may include representatives from State, tribal, and local governments; and

''(ii) ensure that no class of individuals described in clause (ii) or (iii) of subparagraph (A) comprises more than ⅓ of the membership of the advisory committee.

''(C) TERMS OF SERVICE.—

''(i) IN GENERAL.—Members shall be appointed for a 3-year term and may serve for not more than 2 terms, except as provided in clause (iii).

''(ii) VACANCIES.—Vacancy appointments shall be for the remainder of the unexpired term of the vacancy.

''(iii) SPECIAL RULE.—If a member is appointed to fill a vacancy and the remainder of the unexpired term is less than 1 year, the member may subsequently be appointed for 2 full terms.

''(D) COMPENSATION AND EXPENSES.—Members of the advisory committee shall not be compensated for service on the advisory committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(3) DUTIES.—The advisory committee shall review, advise, and comment on Interagency Committee activities, including the following:

''(A) Management and functioning of the Interagency Committee.

''(B) Collaboration of the Interagency Committee and the agencies listed in subsection (a)(3)(B).

''(C) The research and technology development of new or improved response capabilities.

''(D) The use of cost-effective research mechanisms.

''(E) Research, computation, and modeling needs and other resources needed to develop a comprehensive program of oil pollution research.

''(4) SUBCOMMITTEES.—The advisory committee may establish subcommittees of its members.

''(5) MEETINGS.—The advisory committee shall meet at least once per year and at other times at the call of the chairperson.

''(6) REPORT.—The advisory committee shall submit biennial reports to the Interagency Committee and Congress on the function, activities, and progress of the Interagency Committee and the programs established under this section.

''(7) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee.''.

SEC. 8. FUNDING.

(a) IN GENERAL.—Section 7001(g) of such Act, as redesignated by section 7 of this Act, is amended to read as follows:

''(g) FUNDING.—

''(1) IN GENERAL.—There are authorized to be appropriated from amounts in the Fund not more than $48,000,000 annually to carry out this section, except for subsection (c)(8).

''(2) SPECIFIC ALLOCATIONS.—From the amounts in paragraph (1), there are authorized to be appropriated—

''(A) $16,000,000 to the Administrator of the National Oceanic and Atmospheric Administration annually to carry out this section; and

''(B) $2,000,000 for each of fiscal years 2011, 2012, 2013, and 2014 to carry out the activities in subsection (c)(6).''.

(b) AUTHORIZATION.—Section 1012(a)(5)(C) of such Act (33 U.S.C. 2712(a)(5)(C)) is amended to read as follows:

''(C) notwithstanding section 9509(f) of the Internal Revenue Code of 1986, not more than $48,000,000 in each fiscal year shall be available to carry out title VII of this Act; and''.

SEC. 9. ACCESS TO RESEARCH DURING AN EMERGENCY.

Section 7001 of such Act (33 U.S.C. 2761) is amended by adding at the end the following new subsection:

''(h) ACCESS TO RESEARCH DURING AN EMERGENCY.—Any entity that receives Federal funding for research, the methodologies or results of which may be useful for response activities in the event of an oil discharge incident described in sections 300.300–334 of title 40 of the Code of Federal Regulations, shall, upon request to that entity, make the methodologies or results of such research available to the Interagency Committee and the Federal On-Scene Coordinator (as defined in section 311(a)(21) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)(21)). Any methodologies or research results made available under this subsection shall be for use only for purposes of the response activities with respect to the oil discharge incident, and shall not be available for disclosure under section 552 of title 5, United States Code, or included in information made publicly available pursuant to this Act.''.

The SPEAKER pro tempore (Ms. MCCOLLUM). Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 2693, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

Madam Speaker, as we all know, on April 20, 2010, an explosion occurred aboard the BP Deepwater Horizon drill rig that claimed the lives of 11 men and resulted in the largest environmental disaster in our Nation's history. While the flow of oil from the well might have stopped for now, as long as our economy is dependent on oil, we risk similar tragedies happening again and again.

We have a responsibility to ensure that the relevant Federal agencies are equipped with the technology and intellectual and financial resources needed to prevent future oil spills and to effectively respond when they occur. With that, I am pleased to bring before the House two bills that enhance U.S. preparedness for future oil spills and improve worker safety.

The first bill is H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010, introduced by my friend from California, Congresswoman LYNN WOOLSEY. I congratulate her for her foresight in introducing this bill.

This bill was passed out of the Science and Technology Committee last week by a voice vote after considering 21 member amendments, and it incorporates a few additional changes, partly to address minority concerns raised in the committee markup.

H.R. 2693 amends the Oil Pollution Act of 1990. In response to the *Exxon Valdez* oil spill, OPA 90 was enacted to improve the Nation's ability to both prevent and mitigate oil spills. Unfortunately, little progress has been made since then, and today's responders are left with virtually the same set of tools they had in 1989.

Ms. WOOLSEY recognized this critical shortcoming in response to the COSCO Busan oil spill in her district in 2007, and she drafted this amendment to the OPA 90 to improve the interagency research program.

The BP Deepwater Horizon tragedy has made the intent of this bill all the more relevant today. H.R. 2693 enhances the research and development activities, sets up a more efficient Federal management structure, and provides for more robust oversight and accountability of the interagency R&D program established in OPA 90.

I would like to thank my ranking member from Texas (Mr. HALL) and other Republican colleagues for working with us to improve this bill.

Also, once again, I commend Ms. WOOLSEY for her foresight and for her commitment to enhancing the Nation's preparedness for oil spills through H.R. 2693.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

Madam Speaker, oil and natural gas are a vital part of our economy and

will continue to be for the foreseeable future. In order to really ensure continued availability and access to this resource, we absolutely have to develop our domestic supply of oil and natural gas whether it is on land or offshore. Like any other complex endeavor, accidents are going to happen. The most we can do is try to prevent them from happening in the first place and then have the tools, technologies and resources to quickly contain, remove, and mitigate any oil spill. This was the motivation behind the passage of the research and development title of the Oil Pollution Act of 1990, and it is our motivation again today.

H.R. 2693, as reported, is a good effort to address the many concerns that Science Committee members on both sides of the aisle had with the introduced version of the bill. It is also an attempt to deal with some of the shortcomings in the underlying statute. Although we all worked hard to find compromise on some of the language, a few concerns still remain.

I am pleased that the legislation maintains the Coast Guard as the chair of the Interagency Coordinating Committee. As the on-scene commander for oil discharges in water, Coast Guard leadership is very necessary to ensure a research and development program remains focused on relevant research. However, we have some reservations about streamlining the interagency committee by reducing the participants on the committee to Coast Guard, NOAA, EPA, and the Department of the Interior. While I understand the concerns that the size of the interagency committee was unwieldy, we heard testimony that the current structure did work. So I am left wondering if this is a case of a solution in search of a problem.

I am also a bit concerned that the direction of H.R. 2693 has shifted the focus of the underlying statute to concentrate much more on the environmental effects of the use of the cleanup technologies rather than the effectiveness of the technologies, themselves.

While researching and understanding the environmental effects of technology use is important and should definitely be a part of this program, it should not detract from the overreaching and overarching focus of research, technology, development, and demonstration. The Republicans tried to recover some of this equilibrium via an amendment accepted by the majority. However, the legislation still requires more balance.

During the markup, the committee adopted language greatly expanding the international coordination provisions of the statute. A lively discussion illustrated our concerns that such an expansive role could divert the interagency committee from its primary focus of research, technology, development, and demonstration.

I want to thank the majority for agreeing to temper the language to alleviate some of our concerns, and I am still hesitant that the vague provision could become a larger part of the program than was originally intended.

Coordination and collaboration with other nations and with foreign research entities can be a useful part of the program. For instance, we have seen that some of the assistance offered by other nations during the Deepwater Horizon incident was not accepted for various reasons, including that some technologies failed to be compatible with our own.

□ 1210

Researching the compatibility issues, advanced technology development and coordinated research for field testing of equipment are all activities that should be considered under this provision. I caution against a broader implementation of the language.

I have some reservations about a provision added during markup that would require any entity that receives Federal funding for research, upon request by the interagency committee, to turn over the results of that research to assist in the response effort. In times of emergency, it's vital that the response and decisionmaking authorities have access to the most recent and relevant information available, but the language included seemed broad and seemed unclear.

Research that could be helpful during a response to an oil spill may come from unconventional sources, such as information or technology developments created for a completely different purpose. The language suggests that the request for information would not be limited to those projects explicitly focused on oil spill research. Such a data call could yield a substantial amount of information, easily overwhelming the interagency committee, much like we saw when BP was taking suggestions on how to stop their leak.

We're pleased that the language has been modified to ensure better protection of this research; however, it's still ambiguous as to how the information request would be conducted.

When the country is in the midst of a crisis and Congress decides to act, it's possible for us to go too far to fix things, causing unintended consequences. Acting deliberately and in a focused manner will help the current situation and ultimately prevent the necessity of having to go back and fix things that resulted unexpectedly.

While H.R. 2693 progressed expeditiously through the committee process, my hope is that as we move through the legislative process, including a formal conference, some of our concerns and questions may be addressed. Preparedness is defined as activities and measures that exist before an emergency and are used to support and enhance the appropriate response. Research and development are key activities necessary for not only preparing for an event, but also trying to prevent its occurrence in the first place.

Finally, after changes made, I'm comfortable with the bill. And I thank you, Madam Speaker. I thank Chairman GORDON and Ms. WOOLSEY, who have been helpful and have written a bill certainly better than we think it was to begin with.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 7 minutes to the gentlewoman from California (Ms. WOOLSEY), the author of the bill.

Ms. WOOLSEY. I would like to thank Chairman GORDON and Chairman BAIRD, the chairman of the Energy Subcommittee, and Ranking Member HALL for leadership and for cooperation and for making a base bill even better.

Madam Speaker, in 2007, the container ship Cosco Busan collided with the San Francisco Bay Bridge, spilling 58,000 gallons of oil into the San Francisco Bay and causing great harm, great harm to the surrounding environment, great harm to the economy of my district, and great harm to the surrounding Bay Area.

Although this spill was minor compared to the current gulf coast catastrophe, the impact to the Bay Area was widespread. Thousands of birds, including 50 different species, were killed, coastal fisheries were impacted, and marine mammals died. All told, more than 200 miles of coastline was polluted by the Cosco Busan oil spill, costing more than $70 million in environmental cleanup costs.

What occurred to me throughout the ordeal was the question and the confusion regarding who was in charge and what technologies were available to assess and clean up the mess. That's why I introduced H.R. 2693 last year, before the catastrophe of the Gulf of Mexico, to strengthen coordination of Federal research and development of science and technologies that will prevent, combat, and clean up spills. And that is why Chairman BAIRD held a hearing on the very issue.

Madam Speaker, if we learned anything from the Cosco Busan spill, it was that we need to strengthen coordination and leadership of oil spill response, research and development. And everything that we learned from the BP Gulf of Mexico disaster magnifies my concerns.

Madam Speaker, following the Exxon Valdez oil spill, Congress passed the Oil Pollution Act of 1990, which created an interagency coordinating committee to coordinate research and development of oil spill prevention and response among 14 Federal agencies. Not one, not two, not three, not four—14 Federal agencies. It was confusing during the Cosco Busan spill, but that was nothing compared to the confusion of the gulf disaster.

Chairman GORDON, I want to thank you. Chairman BAIRD, I want to thank you for helping to streamline the structure of the interagency coordinating committee in H.R. 2693. And Ranking Member HALL, I want to thank you for accepting the changes we've made and the improvements.

I also want to thank the members of the Science and Technology Committee and the staff who worked so hard to improve this legislation and ensure that it reflects recent developments in the gulf.

Madam Speaker, H.R. 2693 streamlines the interagency coordinating committee to include representatives from NOAA, the Coast Guard, EPA, and the Department of the Interior, while retaining the Coast Guard as the chair of the interagency committee. This ensures that the agencies with the most research expertise in oil spill prevention, detection, and recovery and mitigation are working together for common solutions in an effective and efficient way.

Additionally, the interagency committee is required to collaborate with the other Federal agencies listed in the Oil Pollution Act. And my bill now includes the National Science Foundation to this list.

My bill increases the authorized level of funding for Federal oil pollution research and development from $22 million to $48 million, all of which is drawn from the Oil Spill Liability Trust Fund. This level of funding hasn't been changed since 1990.

H.R. 2693 also authorizes $12 million in funding for a regional research program to provide peer-reviewed competitive grants to institutes of higher learning and research facilities to improve technologies used to prevent and respond to oil spills.

□ 1220

Following the Cosco Busan oil leak, we heard time and again from people responding to the bill that the technology they were using was inadequate, and was, in fact, almost the same technology used to respond to Exxon Valdez decades earlier.

During the Science Committee markup of H.R. 2693, as the chairman mentioned, nearly 20 bipartisan amendments were adopted that strengthened this bill. With estimates putting the total amount of oil spilled in the gulf at nearly 200 million barrels, it's essential that we have the best science and technology possible to deal with a disaster of this magnitude.

As long as we extract, use, or transport oil in the United States, there will be some risks of oil spills along our shores. It is obvious that oil spills negatively affect our coastlines, our marine ecosystems, and our fishing and tourism industries. Madam Speaker, we must do our best to protect the public and the environment from future oil spills.

This bill brings us closer to that goal through targeted and coordinated research, development, and demonstration that will help us better prevent, better combat, and better mitigate future oil spills, no matter the size.

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

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

Mr. GORDON of Tennessee. Madam Speaker, I yield 5 minutes to the chairman of the Energy and Environment Subcommittee, Dr. BAIRD.

Mr. BAIRD. I thank the chairman for yielding.

Madam Speaker, I rise today in strong support of the bill before us now, H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act, and shortly we will be discussing H.R. 5716, the Safer Oil and Natural Gas Drilling Technology Research and Development Act.

I want to begin by complimenting our chair, Ms. WOOLSEY and Ranking Member HALL for two outstanding pieces of legislation that could not be more timely, and that are tremendously important given not only the events we are facing in the gulf today, but towards trying to prevent these kinds of incidents from occurring in the future.

I want to start by commending the many thousands, more than 33,000 people who are in the gulf today working on this cleanup effort. I had the privilege of traveling there recently, along with members of our Science Committee staff, and when I met with some of those folks I asked what can we do to help? And their answer was the first thing you can do is tell people that we are working tremendously hard, and we are making a real difference. We have people working in more than 100-degree weather, in a terribly difficult environment, and they are working 12- to 14- to 16-hour days, 7 days a week. And they often feel that all they get is criticism. They are making a real difference. It's a heroic effort, an unprecedented scale, and we should be proud of them.

In that visit I met people from virtually every major Federal agency, from NOAA, EPA, National Marine Fisheries Services, the Coast Guard, and countless others, many of whom, I am proud to say, are from my own great State of Washington. And they are very proud of the work they are doing. I want to begin by acknowledging that.

As we all know, OPA 90 came in response to the Exxon Valdez spill. And thanks to Ms. WOOLSEY's leadership, we had actually begun in our subcommittee to try to review how the research effort to prepare for and prevent these kinds of spills was going forward. Sadly, that proved to be very prescient, because the spill that evolved in the gulf is precisely the kind of event that we were trying to prepare for.

The average folks that I represent say to themselves, and they ask us, a few simple questions: What went wrong that allowed this to happen to begin with? What are we doing now to get it cleaned up? How do we prevent future spills from happening? And if there should be a future spill, what can we do to clean it up and to better understand and mitigate the environmental impacts? The legislation, both bills before us today, answer those questions.

They are designed to improve our ability to extract material in a safe manner. One of the critical measures we are doing is reprioritizing some of the funding so there will still be an emphasis on the extractive technologies, but with greater attention paid to the safety of those, both the safety of the crews working on the vessel, and to the protection of the environment from environmental impact.

At the same time, we are trying to do measures to prevent accidents from occurring in the future. That includes implementing best practices, reviewing the technologies, human factors dealing with the communication, and the training of the workforce. Some of the testimony we had suggested the workforce training has not kept up with technological developments, particularly in the specialized area of deepwater drilling. And this applies to the regulatory agencies, who it's essential that they have personnel on the scene who are experts in the precise technologies that they are overseeing during their regulatory visits.

We also spent a great deal of time looking at the environmental impacts of this. What is it we know about how the environment is being impacted and what is it we need to know? This legislation before us will direct the research agencies to improve our knowledge both of the research available on how to clean this up—we heard from Mr. Kevin Costner and others who have technologies designed to clean up the water—but also so we can understand what we need to know to conduct research prior to the event.

Additionally, I am proud to have authored an amendment, along with PAUL TONKO, that would allow us to prestage both technologies for cleanup and research studies so that should there be an event, we can make use of that event to gather more knowledge on what we can do to reduce the oil in the water and to mitigate the environmental impacts.

The other thing people are asking about is what are we going to do to make sure we can clean this up better? And I will tell you that the areas we visited in the gulf, there are some areas that are doing remarkable work to prevent oil from coming onshore in pelican rookeries, to try to clean up the beaches when they have been contaminated. But one thing we know, this is going to be a long-standing impact. And we need to not only research what's happening today, we need to continue to research what's going on in the future. This will be a long-term research project. This legislation recognizes and supports that.

Finally, I should say that this is an international issue, and this legislation provides for measures to collaborate with international entities.

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

Mr. GORDON of Tennessee. I yield the gentleman 1 additional minute.

Mr. BAIRD. In conclusion again, I just want to acknowledge the leadership of Mr. HALL, the ranking member, who has been instrumental in prior work to make sure we had developed competitive technologies to gain access to these resources for the benefit of our country, but the foresight of Ms. WOOLSEY, and the outstanding leadership in bipartisan fashion of Chairman GORDON.

The Research and Science Committee has again led the way on an issue of major national importance. I am proud to have been a part of this, and urge passage of both bills today.

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

Mr. GORDON of Tennessee. Madam Speaker, in conclusion, once again I want to thank the gentlelady from California (Ms. WOOLSEY) for bringing this bill before us, Dr. BAIRD for getting it through the subcommittee, the 26 Democrats and Republicans on the Science and Technology Committee that brought amendments to make a good bill better, and the majority and minority staffs for working together to bring this bill before us.

Mr. HALL of Texas. Will the gentleman yield?

Mr. GORDON of Tennessee. I yield to the gentleman from Texas.

Mr. HALL of Texas. I just want to congratulate you and Ms. WOOLSEY. This bill was improved very much by her knowledge and history of a bad occurrence that happened to her in her district that she is trying to spare the rest of our districts. I thank her for the good work on this.

Mr. GORDON of Tennessee. Madam Speaker, as we move forward today with floor consideration of H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010, I would like to recognize and thank Chairman THOMPSON of the Homeland Security Committee and Chairman OBERSTAR of the Transportation and Infrastructure Committee for their cooperation with respect to this piece of legislation. Both Chairman THOMPSON and Chairman OBERSTAR have been very supportive in getting this bill to the floor today, and at this time I would like to insert exchanges of letters between myself and each of the Chairmen into the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 20, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 2693, the ''Federal Oil Spill Research Program Act''.

H.R. 2693 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forgo a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 2693.

Further, the Committee on Transportation and Infrastructure reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction. I ask for your commitment to support any request by the Committee on Transportation and Infrastructure for the appointment of conferees on H.R. 2693 or similar legislation.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Committee Report on H.R. 2693 and in the Congressional Record during consideration of the measure in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, July 20, 2010.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for your letter regarding H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Transportation and Infrastructure. I acknowledge that by waiving rights to a referral of H.R. 2693, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Transportation and Infrastructure has jurisdiction in H.R. 2693. A copy of our letters will be placed in the legislative report on H.R. 2693 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 20, 2010.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, Rayburn Bldg., House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: I write to you regarding H.R. 2693, the ''Federal Oil Spill Research Program Act.''

H.R. 2693 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of an appropriate number of Members of the Committee on Homeland Security to be named as conferees during any House-Senate conference convened on H.R. 2693 or similar legislation. I also ask that a copy of this letter and your response be included in the legislative report on H.R. 2693 and in the Congressional Record during floor consideration of this bill.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, July 20, 2010.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your letter regarding H.R. 2693, the Oil Pollution Research and Development Program Reauthorization Act of 2010. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are within the jurisdiction of the Committee on Homeland Security. I acknowledge that by waiving rights to a referral of H.R. 2693, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 2693. A copy of our letters will be placed in the legislative report on H.R. 2693 and in the Congressional Record during consideration of the bill on the House floor.

I value your cooperation and look forward to working with you as we move ahead with this important legislation.

Sincerely,

BART GORDON,
Chairman.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 2693, as amended.

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

A motion to reconsider was laid on the table.

□ 1230

SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5716) to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5716

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 ''Safer Oil and Natural Gas Drilling Technology Research and Development Act''.

SEC. 2. SUBTITLE AMENDMENT.

Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is amended in the subtitle heading by striking ''**Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources**'' and inserting ''**Safer Oil and Natural Gas Drilling Technology Research and Development Program**''.

SEC. 3. SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) PROGRAM AUTHORITY.—Section 999A of the Energy Policy Act of 2005 (42 U.S.C. 16371) is amended—

(1) in subsection (a)—

(A) by striking ''ultra-deepwater'' and inserting ''deepwater''; and

(B) by inserting ''well control and accident prevention,'' after ''safe operations,'';

(2) in subsection (b)—

(A) by inserting '', accident prevention and mitigation,'' after ''improving safety'';

(B) by striking paragraph (1) and inserting the following:

''(1) Deepwater architecture and technology, including those for drilling to formations in water depths greater than 1,000 feet.''; and

(C) by striking paragraph (4) and inserting the following:

''(4) Complementary research carried out by the Department.'';

(3) in subsection (d)—

(A) in the subsection heading, by striking ''NATIONAL ENERGY TECHNOLOGY LABORATORY'' and inserting ''DEPARTMENT OF ENERGY''; and

(B) by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department'';

(4) in subsection (e)—

(A) in the subsection heading, by striking ''SECRETARY OF THE INTERIOR'' and inserting ''OTHER FEDERAL AGENCIES''; and

(B) by inserting ''and other agencies as appropriate, including those serving on, and collaborating with, the Interagency Coordinating Committee on Oil Pollution Research as established under section 7001 of the Oil Pollution Act of 1990 (33 U.S.C. 2761(a))'' after ''Secretary of the Interior''; and

(5) by adding at the end the following:

''(f) PARTNERSHIPS.—In carrying out the program under this subtitle, the Secretary shall seek to establish partnerships with eligible research performers, as described by section 999E, to undertake research and development not likely otherwise to be undertaken in the absence of support from the program.''.

(b) PROGRAM ELEMENTS.—Section 999B of the Energy Policy Act of 2005 (42 U.S.C. 16372) is amended—

(1) in the section heading, by striking ''**ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM**'' and inserting ''**SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY**'';

(2) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary shall carry out the activities under section 999A to maximize the benefits of natural gas and other petroleum resources of the United States by advancing the safe and environmentally responsible exploration, development, and production of those resources.'';

(3) in subsection (c)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

''(D) select projects on a competitive basis;'';

(4) in subsection (c)(3)(A)(ii), by striking ''under subsection (f)(4)'';

(5) in subsection (d)—

(A) in paragraph (6), by striking ''ultra-deepwater'' and inserting ''deepwater''; and

(B) by striking paragraph (7) and inserting the following:

''(7) FOCUS AREAS FOR AWARDS.—

''(A) DEEPWATER RESOURCES.—Awards from allocations under section 999H(d)(1) shall focus on research, development, demonstration, and commercial application activities in areas that include—

''(i) technologies and systems aimed at improving operational safety and reducing potential environmental impacts of deepwater exploration and production activities, including—

''(I) wellbore integrity, well control, and blowout prevention;

''(II) capture and containment of oil at or near the wellhead; and

''(III) expanding operational capabilities and efficiency of remotely operated devices and mechanics;

''(ii) safe and environmentally responsible deepwater exploration and production technologies, integrated systems, and architectures for enhancing oil and natural gas drilling and recovery, including under extreme conditions;

''(iii) methods and technologies for severe weather and ocean surface condition preparedness;

''(iv) utilization of exploration and production methods and materials that reduce the potential impact of such activities on the environment; and

''(v) other areas as determined appropriate by the Secretary.

''(B) UNCONVENTIONAL ONSHORE RESOURCES.—Awards from allocations under section 999H(d)(2) shall focus on research, development, demonstration, and commercial application activities in areas that include—

''(i) advanced coalbed methane, deep drilling, natural gas production from tight sands, natural gas production from gas shales, stranded gas, innovative exploration and production techniques, and enhanced recovery techniques;

''(ii) increased efficiency of energy use in exploration and production activities;

''(iii) utilization of exploration and production methods and materials that reduce the potential impact of such activities on the environment;

''(iv) recovery, utilization, reduction, and improved management of produced water from exploration and production activities; and

''(v) accident prevention and mitigation of unconventional natural gas and other petroleum resources exploration and production.

''(C) SMALL PRODUCERS.—Awards from allocations under section 999H(d)(3) shall be made to consortia consisting of small producers or organized primarily for the benefit of small producers, and shall focus on areas that include—

''(i) safety and accident prevention, environmental mitigation, waste reduction, reduction of energy use, and well control and systems integrity;

''(ii) complex geology involving rapid changes in the type and quality of the oil and gas reserves across the reservoir;

''(iii) low reservoir pressure and unconventional natural gas reservoirs in coalbeds, deep reservoirs, tight sands, or shales; and

''(iv) advancing energy efficient, safe, and environmentally responsible production of unconventional oil reservoirs in tar sands and oil shales.

''(D) SAFETY, AND ACCIDENT PREVENTION AND MITIGATION, TECHNOLOGY RESEARCH AND DEVELOPMENT BY THE DEPARTMENT.—Awards from allocations under section 999H(d)(4) shall focus on safety, and accident prevention and mitigation, research, development, demonstration, and commercial application activities in areas that may include—

''(i) improved technologies and best management practices for enhanced well integrity including—

''(I) cementing;

''(II) casing;

''(III) wellbore sealant technologies;

''(IV) well-plugging and abandonment;

''(V) improvement and standardization of blowout prevention devices;

''(VI) actuation and pressure testing; and

''(VII) other well control activities;

''(ii) research to aid in the development of industry best practices and standards for workforce training, design of safe workplace environments, and safety related decision-making processes, including by drawing on existing research into human factors and safety related practices in fields such as the nuclear energy, aviation, and automotive industries;

''(iii) secondary control systems to activate blowout prevention devices and terminate well-flow, including—

''(I) deadman switches;

''(II) automatic shears; and

''(III) remote acoustic switches;

''(iv) technologies and methods for accident mitigation, including—

''(I) capture, containment, or dispersing of oil at or near the wellhead;

''(II) estimating flow rate;

''(III) diagnostic sensors to determine equipment malfunction; and

''(IV) procedures to terminate flow;

''(v) continuing ongoing efforts, including in resource assessment and characterization, and in simulation of safe and effective drilling under extreme conditions, including high temperatures and pressures;

''(vi) development of methodologies for risk management decisionmaking, including comparative risk analysis and quantitative risk assessment of potential for failure in the technologies, management practices, and systems studies under this subsection; and

''(vii) other activities as described in this paragraph or as determined appropriate by the Secretary.'';

(6) in subsection (e)—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by inserting ''to the Secretary for review'' after ''submit''; and

(ii) in the first sentence of subparagraph (B), by striking ''Ultra-Deepwater'' and all that follows through ''and such Advisory Committees'' and inserting ''Program Advisory Committee established under section 999D(a), and the Advisory Committee'';

(B) in paragraph (4)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) a summary of ongoing and planned activities aimed at improving operational safety and reducing potential environmental impacts of exploration and production.''; and

(C) by adding at the end the following:

''(6) RESEARCH FINDINGS AND RECOMMENDATIONS FOR IMPLEMENTATION.—The Secretary shall publish in the Federal Register an annual report on the research findings of the program carried out under this section and

any recommendations for implementation that the Secretary determines to be necessary.'';

(7) in subsection (f)(2), by inserting ''In carrying out this subsection, the Secretary shall ensure that safety and accident prevention and mitigation be regularly included as specific focus areas for solicitations.'' after ''consortium.'';

(8) in subsection (i)—

(A) in the subsection heading, by striking ''UNITED STATES GEOLOGICAL SURVEY'' and inserting ''DEPARTMENT OF THE INTERIOR''; and

(B) by striking '', through the United States Geological Survey,''; and

(9) in subsection (j), by striking ''National Energy Technology Laboratory'' and inserting ''Office of Fossil Energy of the Department''.

SEC. 4. PROGRAM ADVISORY COMMITTEE.

Section 999D of the Energy Policy Act of 2005 (42 U.S.C. 16374) is amended to read as follows:

''SEC. 999D. PROGRAM ADVISORY COMMITTEE.

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Safer Oil and Natural Gas Drilling Technology Research and Development Act, the Secretary shall establish an advisory committee to be known as the 'Program Advisory Committee' (referred to in this section as the 'Advisory Committee').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Advisory Committee shall be composed of members appointed by the Secretary, each of whom shall be qualified by education, training, and experience to evaluate scientific and technical information relevant to the research, development, and demonstration under this subtitle. Members shall include—

''(A) individuals with extensive research experience or operational knowledge of oil and natural gas exploration and production;

''(B) individuals broadly representative of the affected interests in oil and natural gas production, including interests in environmental protection and operational safety;

''(C) State regulatory agency representatives; and

''(D) other individuals, as determined by the Secretary.

''(2) LIMITATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall not include individuals who are board members, officers, or employees of the program consortium.

''(B) CATEGORICAL REPRESENTATION.—In appointing members of the Advisory Committee, the Secretary shall ensure that no class of individuals described in any of subparagraphs (B), (C), or (D) of paragraph (1) comprises more than ⅓ of the membership of the Advisory Committee.

''(c) SUBCOMMITTEES.—The Advisory Committee may establish subcommittees or ad hoc working groups for the research focus areas described in section 999B(d)(7).

''(d) DUTIES.—The Advisory Committee shall—

''(1) advise the Secretary on the development and implementation of programs under this subtitle; and

''(2) carry out section 999B(e)(2)(B).

''(e) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but shall be entitled to receive travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

''(f) PROHIBITION.—The Advisory Committee shall not make recommendations on funding awards to particular consortia or other entities, or for specific projects.''.

SEC. 5. DEFINITIONS.

Section 999G of the Energy Policy Act of 2005 (42 U.S.C. 16377) is amended—

(1) in paragraph (1), by striking ''200 but less than 1,500 meters'' and inserting ''1,000 feet'';

(2) by striking paragraphs (8), (9), and (10);

(3) by redesignating paragraphs (2) through (7) and (11) as paragraphs (4) through (9) and (10), respectively; and

(4) by inserting after paragraph (1) the following:

''(2) DEEPWATER ARCHITECTURE.—The term 'deepwater architecture' means the integration of technologies for the safe and environmentally responsible exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.

''(3) DEEPWATER TECHNOLOGY.—The term 'deepwater technology' means a discrete technology that is specially suited to address 1 or more challenges associated with the safe and environmentally responsible exploration for, or production of, natural gas or other petroleum resources located at deepwater depths.''.

SEC. 6. FUNDING.

Section 999H of the Energy Policy Act of 2005 (42 U.S.C. 16378) is amended—

(1) in the first sentence of subsection (a) by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safer Oil and Natural Gas Drilling Technology Research and Development Fund'';

(2) in subsection (d)—

(A) in paragraph (1), by striking ''35 percent'' and inserting ''32.5 percent'';

(B) in paragraph (2), by striking ''32.5 percent'' and inserting ''25 percent''; and

(C) in paragraph (4)—

(i) by striking ''25 percent'' and inserting ''35 percent''; and

(ii) by striking ''contract management,'' and all that follows through the period at the end and inserting ''and contract management.'';

(3) in subsection (f), by striking ''Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund'' and inserting ''Safer Oil and Natural Gas Drilling Technology Research and Development Fund''; and

(4) at the end of the section, by inserting the following new subsection:

''(g) COORDINATION AND NONDUPLICATION.—The Secretary shall ensure, to the maximum extent practicable, that the research activities carried out by the consortium funded under paragraphs (1), (2), and (3) of subsection (d), and the research activities carried out by the Department of Energy as funded by subsection (d)(4), shall be coordinated and not duplicative of one another.''.

SEC. 7. CONFORMING AMENDMENTS.

The table of contents of the Energy Policy Act of 2005 is amended—

(1) by amending the item relating to subtitle J of title IX to read as follows:

''Subtitle J—Safer Oil and Natural Gas Drilling Technology Research and Development Program'';

(2) by amending the item relating to section 999B to read as follows:

''Sec. 999B. Safer Oil and Natural Gas Drilling Technology Research and Development Program.'';

and

(3) by amending the item relating to section 999D to read as follows:

''Sec. 999D. Program Advisory Committee.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5716, the bill now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

Advances in drilling technologies have allowed industry to venture into ever deeper waters in search of the enormous oil and gas reserves found there. Operating in such extreme environments entails immense engineering and technological challenges, the complexity of which is encountered in few other endeavors.

In the hypercompetitive field of energy, the industry is naturally guarded about sharing information and collaborating on proprietary technology development. But safety is universal, and it's time we use Federal resources in pushing the technology envelope towards safer and more environmentally responsible oil and natural gas exploration and production.

My bill, H.R. 5716, the Safer Oil and Natural Gas Drilling Technology Research and Development Act, does just that by realigning the focus and funding of existing programs set-up under section 999 of the Energy Policy Act of 2005 on environmental and worker safety and accident prevention and mitigation. I introduced this bill after close collaboration with my friend from Texas, Mr. HALL, who has been a longtime champion of this program.

As we look toward Federal resources to rapidly advance this field, it is somewhat fortuitous that the 999 program is already in place. Both the outside research consortium, RPSEA, and the program at the National Energy Technology Laboratory are well-suited to take on challenges of R&D into the technologies for drilling safety and accident prevention mitigation.

As a DOE lab for fossil energy, NETL has an extensive research infrastructure and a long history of expertise and excellence in this field and through the relatively new RPSEA, currently has approximately 170 members from across industry, academia, NGOs, and government research entities. Furthermore, the program does not require new spending since it's already funded from $50 million in royalty revenues.

If properly realigned to meet the current challenges, this research program, authorized by section 666, represents the Department of Energy's best resources for improving safety and reducing the environmental impact of offshore and onshore oil and natural gas exploration and production activities.

As I said, H.R. 5716 is the product of significant bipartisan collaboration, and I want to thank Mr. HALL, his

staff, and the other members of the Science and Technology Committee for their continuing good work as we move this legislation forward.

I reserve the balance of my time.

Mr. HALL of Texas. I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 5716, the Safer Oil and Natural Gas Drilling Technology Research and Development Act.

As we near the 100-day mark since the beginning of the Deepwater Horizon disaster, our understanding of the precise causes of the accident—and the missteps in the days that followed—remain unclear.

However, regardless of the ultimate causes of and best responses to the disaster, it makes sense to continue pursuing improvements to safe and environmentally responsible drilling operations as well as effective spill response systems.

The two oil spill-related bills under consideration by the House today represent the Science and Technology Committee's contribution to this effort and are likely to have a significant impact on future drilling and response mitigation efforts.

The program offered by this bill, H.R. 5716, was established in section 999 of the Energy Policy Act of 2005. It supports through a collaborative effort between the Department of Energy and a university industry research consortium cutting-edge technologies to enhance safe and environmentally responsible offshore and onshore oil and gas development.

The program has contributed significantly to transformational advances in deep offshore and onshore drilling technologies that are helping to efficiently and responsibly recover energy supplies long known to exist but which were previously inaccessible. The recovery of these resources has resulted in significant benefits to taxpayers in the form of domestic jobs and affordable energy, as well as increasing royalties to the fund that pays for the program in the first place.

The changes to EPAct section 999 made by H.R. 5716 are the product of extensive negotiations with the majority to develop compromised legislation in response to the Deepwater Horizon disaster. Specifically, the bill makes three changes to the existing statute. First, it shifts the focus of each of the program's four elements towards advancing safety and accident prevention and mitigation technologies associated with oil and natural gas exploration and production.

Second, it adjusts the award allocations among these four programs reducing deepwater and unconventional onshore natural gas programs by a small amount while increasing the allocation for Department of Energy in-house research from 25 percent to 35 percent.

And, third, it redefines and expands the scope of offshore R&D activities to those involving water depths of a thousand feet or greater, a reduction from the 5,000 feet in current law, and in doing so, modifies the current focus on ''ultra-deepwater'' activities to pertain simply to deepwater activities.

Additionally, the bill makes numerous additional minor changes to the management and structure of the 999 program while preserving its original goals and objectives which recognize America's domestic oil and natural gas resources are important national priorities that contribute significantly to job growth and to the economy while reducing dependence on foreign sources of energy.

While this precise focus and detailed language in this bill is not ideal, it represents a fair and responsible and reasonable compromise that preserves and strengthens the section 999 program. This is the only R&D program in the Federal Government capable of ramping up its activities quickly and effectively to address renewed interest in drilling technology research in the wake of the Deepwater Horizon disaster. Given the administration's efforts to terminate any and all research and development relating to oil and natural gas, this program is all the more vital.

I want to again extend my thanks to Chairman GORDON for working with me and with us on this bill and the staffs working with one another. I look forward to continued bipartisan cooperation on this bill as the legislative process moves forward. I urge Members to support my bill.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the distinguished chairman of the Science Technology Committee, Mr. GORDON. I would also like to thank both Chairman GORDON and Ranking Member HALL for their generosity in letting me voice suggestions to this very important piece of legislation.

As this legislation demonstrates, Congress will not allow the Deepwater Horizon incident to end safe exploration for American energy resources. If America fails to safely and securely produce our own energy resources, we increase our dependence on foreign oil, weaken our national security, and stand to lose good-paying jobs. I commend the chairman for this legislation making deepwater drilling technologies safer and want to call particular attention to the work of the National Energy Technology Laboratories.

These workers have scientific expertise related to fluid flow, imaging, fire science, and ultra-deepwater, and can integrate research across academia, national labs, and industry. The national energy labs have unique capabilities related to the containment of high-pressure fluids/gases in the subsurface under extreme conditions, like the prediction of materials' behavior under extreme conditions.

The Federal Government has a critical role to play in the research of new drilling technologies. In representing the interests of the taxpayers, the Federal Government is the fair arbiter—weighing the risk of exploration against the environmental impacts, unrelated to the value of economic return. The workers at these labs have demonstrated themselves to be responsible stewards of taxpayer money with respect to ultra-deepwater programs, and I hope they'll continue to do so.

Although H.R. 5716 eliminates specific reference to the National Energy Technology Labs, it is not the chairman's firm belief that this vital research that is so necessary to ensuring America's energy independence will continue to be coordinated and overseen by the dedicated and experienced Federal employees in the award-winning laboratories in Pennsylvania, West Virginia, and Oregon. Would that be correct, Mr. Chairman?

I yield to the gentleman.

□ 1240

Mr. GORDON of Tennessee. I certainly respect the gentleman's opinion on this matter and do, in fact, foresee that employees at the National Energy Technology Laboratories will continue their work on ultra deepwater research under the program's new name of Safer Oil and Natural Gas Drilling Technology Research. They've done an excellent job in the past, and I'm sure they will continue to do an excellent job.

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman for his response.

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

Mr. GORDON of Tennessee. Madam Speaker, I yield 5 minutes to the gentleman from Washington, Dr. BAIRD.

Mr. BAIRD. I thank the chairman.

My earlier comments acknowledged the many people who are working so hard down in the gulf, and I want to pay particular respect and admiration to a great public servant, Admiral Thad Allen. As many of us know, Thad Allen in effect essentially retired from the Coast Guard, but recognizing the importance of this mission and the urgency of his role there he has stayed on, working many, many long hours in an incredibly complex endeavor. I have immense respect for him and hope that people appreciate the kind of contribution not only that Admiral Allen is making but that all of the coasties and other government employees are making down there, as well as the many local residents as well.

I also want to acknowledge the great work of the committee staff on both sides of the aisle in drafting this legislation, and I particularly want to speak about an aspect of this legislation that I've worked on and that I think is particularly important and often overlooked.

In many other areas of activity, the role of human factors has been recognized as playing an increasingly important role. That's the case with the nuclear power industry, which realized in

the post-Three Mile Island analyses that the complex information that was being provided to the operators of the plant was easily overwhelming and contributed to that disaster.

It has been recognized for a long time by the Federal Aviation Administration. Indeed, the tragic accident in which an airliner crashed into the Potomac not far from this very building was believed strongly related to ice on the wings, but not just the ice on the wing, but how the pilot and the copilot interacted in their discussion about whether or not it would be safe to fly under those conditions.

As they looked at that analysis, it became apparent that the rules for cockpit interactions and making decisions about safety needed to be changed.

When we looked at this event that happened in the gulf and you follow the dialogue that has been reported between BP and the drilling operators, it is clear that human factors and risk analysis needs dramatic improvement. Witnesses at the committee hearing testified that we have to not only improve, as I mentioned earlier, the training of the personnel on the rigs, but I think the management needs to be addressed and the decisionmaking process.

If you can have a circumstance wherein someone says we're going to go ahead with this operation as we deem appropriate, and effectively the response was, well, that's I guess why we have the blowout prevention devices, meaning somebody thought that if we do this, we're likely to have a blowout. Now, when one looks at the history of safety and efficacy of those blowout preventers, it's pretty clear that they had a high failure rate.

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

Mr. GORDON of Tennessee. I yield 2 additional minutes to the gentleman.

Mr. BAIRD. If we have an interaction system wherein people are making decisions with a known possibility of a blowout and blowout preventers that have a fairly high probability of failure, somebody needs to intervene and say what the heck is going on here if people can make these decisions when, and I want to underscore this, when the consequence is the loss of human life. Eleven souls lost their lives on that rig that day. We talk so much about the cleanup and the environmental catastrophe that's resulted. Let us not forget those eleven lives. When people's decisionmaking leads to the loss of human life and leads to an environmental and economic tragedy of this magnitude, we've got to make sure they make those decisions in the right way, with the right information and the right communication strategy, and as important as this bill is in improving the technology for drilling and drilling safety, essential to that technology are the human elements, and I'm grateful that the committee saw fit to include those elements in the legislation.

I thank the chairman again.

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

Mr. GORDON of Tennessee. Madam Speaker, in conclusion, I want to once again thank Ranking Member HALL for his initiating this bill. He is the father of this bill, and I think we all recognize his good work there.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 5716, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL AEROSPACE WEEK

Mr. GORDON of Tennessee. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) supporting the goals and ideals of National Aerospace Week, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 292

Whereas the missions to the Moon by the National Aeronautics and Space Administration are recognized around the globe as one of the most outstanding achievements of humankind;

Whereas the United States is a leader in the International Space Station, the first permanent human habitation and scientific laboratory in space;

Whereas the first aircraft flight occurred in the United States, and the United States operates the largest and safest aviation system in the world;

Whereas the United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, directly employing 831,000 people in the United States and supporting more than 2,000,000 jobs in related fields;

Whereas space exploration is a source of inspiration that captures the interest of young people;

Whereas aerospace education is an important component of science, technology, engineering, and mathematics education and helps to develop the science and technology workforce in the United States;

Whereas aerospace innovation has led to the development of advanced meteorological forecasting, which has saved lives around the world;

Whereas aerospace innovation has led to the development of the Global Positioning System, which has strengthened national security and increased economic productivity;

Whereas the aerospace industry assists and protects members of the Armed Forces with military communications, unmanned aerial systems, situational awareness, and satellite-guided ordnances; and

Whereas the third week in September is an appropriate week to observe ''National Aerospace Week'': Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) supports the goals and ideals of ''National Aerospace Week''; and

(2) recognizes the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 292, the concurrent resolution now under consideration.

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

There was no objection.

Mr. GORDON of Tennessee. Madam Speaker, I yield myself such time as I may consume.

No matter how many times you fly, there is still something magical about the first moment of takeoff when acceleration gives way to the sudden lift and you soar into the clouds. Behind that moment of wonder lies over a century of hard work, long hours, and sacrifice spent uncovering the secrets of aerodynamics and mastering the engineering of heavier-than-air flight. It should be a point of great pride that the United States was a leader in making aviation a reality. So in recognition of National Aerospace Week, we honor a national history of achievement in both aeronautics and in space.

America's achievements in aerospace inspire awe and admiration around the world. From the very first heavier-than-air flight in 1903 to the Moon landing in 1969, America has led the way in aerospace.

Today, we continue to move forward by sending robotic probes to the far reaches of the solar systems, sending observatories into space, and leading the international team that constructed the international space station.

American superiority in aerospace is part of the foundation on which our security rests. Satellites provide our troops in distant lands with everything from vital intelligence about local weather and terrain to updates on NBA finals. Unmanned aerial vehicles and communications, and satellite-based navigation and position systems are essential tools that members of the Armed Forces rely on to do their job safely and effectively.

Space-derived systems like GPS and weather satellites have become integral to civil society as well.

The aerospace industry employs many hundreds of thousands of Americans and is one of the most vibrant and innovative sectors of our economy. Industry sales are estimated to reach $215 billion in 2010.

In addition to the 831,000 Americans who work in the aerospace industry, an additional 11 million work in the field of commercial aviation.

For its contributions to science and engineering, to our national security and economy, as well as to the general well-being and progress of humankind, the aerospace industry deserves recognition. With this resolution, we take a moment to remember the glories of the past and the anticipation of wonders for the future.

□ 1250

I want to thank the sponsor of this resolution, Dr. VERN EHLERS, for his long support of our Nation's aerospace industry and for his support for science and technology generally during his tenure in Congress on the Science and Technology Committee. We think of him as the conscience of science, and we thank him for this good resolution today.

I reserve the balance of my time.

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

I rise today, of course, in support of House Concurrent Resolution 292, designating the third week of September as ''National Aerospace Week'' to recognize the contributions of the aerospace industry to the history, economy, security, and educational system of the United States.

This bill was introduced by my good friend, Representative VERN EHLERS, who, as I am sure many Members know, is retiring at the end of this Congress. I hate to lose this good man, and I will miss VERN very greatly. He has been a steady voice of reason in the House of Representatives and in the Science Committee. Dr. EHLERS has been a tireless and articulate advocate for policies and programs aimed at attracting the talents of our young people into the fields of science, technology, engineering, and mathematics. He will be greatly missed.

This Nation has always been preeminent in the international aerospace industry and continues to lead the way today through the support of the international space station by offering cutting-edge products and services throughout the world and by fostering the development and operation of the largest and safest aviation system in the world. The United States' aerospace industry serves as a powerful, reliable source of employment for 831,000 people and supports more than 2 million other jobs in related fields.

Among its many diverse innovations, the aerospace industry developed the Global Positioning System, sensors that give us the capability to make long-range, reliable meteorological forecasts; aircraft and other surveillance systems that help defend our shores; and tools to increase economic productivity, improve our quality of life, and save lives. The aerospace industry also assists and protects members of the Armed Forces with military communications systems, unmanned aerial systems, high-performance aircraft, and satellite-based precision surveillance and navigation systems.

Finally, let me add that high-technology goods and services produced by the aerospace industry help capture the interest of young people here at home and around the world. It gives them tremendous inspiration to tackle the more difficult class work that science and engineering professions demand and which, in turn, will ultimately lead these people to a much more enriching and rewarding life.

Madam Speaker, I urge my colleagues to support House Concurrent Resolution 292.

I yield such time as he may consume to Dr. EHLERS.

Mr. EHLERS. I thank my good friend for yielding to me.

As the author of this resolution and cochair of the House Aerospace Caucus, along with Congressman NORM DICKS, who has just arrived on the floor, I rise in strong support of House Concurrent Resolution 292, which supports the goals and ideals of creating a National Aerospace Week. Last year, the House voice voted a similar resolution supporting an Aerospace Day. However, considering the aerospace industry's contribution to our history, economy, security, and educational system, we believe an entire week is more appropriate.

Last year, we celebrated the 40th anniversary of the Apollo moon landing, and this year we celebrate the 10th anniversary of continuous human presence in orbit on the international space station. These important achievements are made possible by the aerospace industry.

In addition to landing on the moon, living in space, innovative developments in satellites, meteorological forecasting, national defense, and communications, the United States also maintains the largest, most complex, and safest aviation system in the world.

Our aviation system, especially business aviation, allows U.S. companies to stay competitive because our workers can be more productive and efficient. In fact, aviation is becoming so widespread that this evening I will be taking an exam toward my own pilot certificate, and I hope to spend the remaining years of my life learning more and more about aviation.

The United States aerospace industry is a powerful, reliable source of employment, innovation, and export income, employing more than 840,000 people in the United States and supporting more than 2 million jobs in related fields.

Although unemployment remains high, especially in my home State of Michigan, these high-value, good-paying jobs continue to be in demand because of the shortage of qualified workers.

Therefore, in order for the United States to remain at the forefront of aerospace development, we must do a better job of educating our children in science, technology, engineering, and mathematics, commonly referred to as STEM education. Flying and space exploration remain a powerful inspiration that captures the interest of young people, and I applaud the efforts by the aerospace community to get involved with children and schools to nurture this interest and improve our STEM education programs.

I hope my colleagues will join me in honoring the aerospace industry by designating the third week in September as National Aerospace Week. I urge all Members to vote for H. Con. Res. 292.

Let me also express my appreciation to both the chairman of the Science Committee, Mr. GORDON, and also to Mr. HALL, the ranking member of that committee. They have done an excellent job of leading the committee this year, and we have accomplished great things in the Science Committee.

I also wish to thank them as friends for the kind words they have just uttered about my pending departure. In fact, I am receiving so many accolades for my work in the Congress that I have decided I may retire again and again, but I suspect I am limited to doing it only one time.

But in any event, I have deeply appreciated my time in the Congress of the United States. I strongly support the aerospace industry and what it means to this country and, frankly, to this world, and we pray that we will continue to serve well in exploring this marvelous universe that the Lord has given us to explore.

Mr. GORDON of Tennessee. Madam Speaker, let me say all the accolades that Dr. EHLERS has received have been well deserved. He has left a thick trail of accomplishments in this body.

I now yield such time as he may consume to the gentleman from Washington State (Mr. DICKS), the chairman of the Defense Appropriations Subcommittee.

Mr. DICKS. Thank you, Mr. Chairman.

I want to also say we have appreciated the service of BART GORDON as chairman of the Science and Technology Committee and Mr. RALPH HALL for allowing this bill to come to the floor.

I want to congratulate Mr. EHLERS, my colleague and cochair of the House Aerospace Caucus, on introducing this important resolution.

I strongly support the goal of this legislation to call attention to the importance of the aerospace industry in our Nation. The aerospace sector provides our economy over 840,000 jobs and constitutes over $210 billion in annual sales and $78 billion in exports. It is a vital sector that we appreciate all the more when other significant segments of the economy are struggling.

Because I come from the Puget Sound region in the State of Washington, it is hard not to have an awareness of the aerospace industry. In my

home State, there are many companies developing and producing a wide range of aerospace products. But, of course, the dominant presence is Boeing. The Boeing company directly employs over 72,000 people in Washington State, and they draw on over 2,700 suppliers in the State while buying over $3.3 billion of goods and services per year.

I want to note that just this past December 15, Boeing's 787 Dreamliner made its first flight. This revolutionary aircraft is the first major airliner to use composite materials throughout most of its structure, which will yield significant efficiencies, reductions in fuel consumption, and enhanced passenger comfort.

□ 1300

Aerospace also is critical to our national defense. From my position as chairman of the Defense Appropriations Subcommittee, I am keenly aware of the role that aerospace plays for our national defense and our intelligence community. Our Nation relies heavily on technology to give us the military advantages that we enjoy over potential adversaries; and aerospace is an area where our technological advantage gives us unmatched capabilities and systems, such as air-to-air missiles, stealthy platforms, supersonic fighters, and satellites that can detect missile launch.

In many cases, the technologies that are developed and used for our national security are unique because only the military has a use for it. However, I want to point out that it is also not unusual for military technologies to eventually have wide and dramatic benefits in our lives. One example is the Global Positioning System, GPS, first developed for military purposes, but now in use in a constantly expanding range of applications across the entire world. GPS now is a vital part of the safety and efficiency of the world's transportation systems, the productivity of our farms, the management of our resources, and the protection of our environment.

In closing, I want to mention that despite our national successes in aerospace, there are a couple of issues that we must pay attention to if we are going to continue to have a thriving aerospace sector that contributes to our economy and our national defense. I continue to be concerned about the health of our overall industrial base. One example is our space launch industrial base. I also firmly believe that we must pay more attention to educating and inspiring the future generation of scientists, engineers, and technicians that will keep making important technical advances and producing state-of-the-art products. Dr. EHLERS mentioned the importance of education not only for our students, but at the universities in our country.

Again, I want to thank Dr. EHLERS for introducing this resolution, and I want to thank him for his leadership on the Aerospace Caucus and for his friendship. We are going to miss him as well.

I urge my colleagues to join us in recognizing the important contributions of the aerospace sector to our lives by voting for this resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 292.

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. GORDON of Tennessee. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SUPPORTING FRAGILE X AWARENESS DAY

Mr. PALLONE. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 611) supporting the goals and ideals of ''Fragile X Awareness Day,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 611

Whereas fragile X syndrome is the most common form of inherited intellectual and developmental disabilities (IDDs);

Whereas an expansion of the CGG trinucleotide repeat in the FMR1 gene—a human gene that codes for a protein called fragile X mental retardation protein—causes almost all cases of fragile X syndrome;

Whereas fragile X mental retardation protein is normally made in many tissues, especially in the brain and the testes;

Whereas fragile X mental retardation protein may play a role in the development of synaptic connections between nerve cells in the brain where cell-to-cell communication occurs;

Whereas there is a relationship between fragile X syndrome and autism;

Whereas up to one-third of all children diagnosed with fragile X syndrome also have autism or an autism spectrum disorder;

Whereas over 100,000 people in the United States have fragile X syndrome and an estimated 1,000,000 people in the United States carry a fragile X mutation and have or are at risk of developing a fragile X-associated disorder;

Whereas fragile X-associated disorders include fragile X syndrome, which causes language, behavioral, and developmental disabilities; fragile X-associated tremor/ataxia syndrome—an adult onset progressive neurological condition causing tremors and balance and memory problems primarily in male carriers that can lead to decreased life expectancy; and fragile X-associated primary ovarian insufficiency—a cause of infertility, early menopause, and other ovarian problems in female carriers;

Whereas doctors can accurately identify and diagnose fragile X syndrome, fragile X-associated tremor/ataxia syndrome, and fragile X-associated primary ovarian insufficiency;

Whereas the National Institutes of Health is currently funding several studies that may lay the groundwork for screening of all newborns in the United States for early detection of the fragile X mutation;

Whereas increased research into fragile X syndrome may lead to a better understanding of the disorder, more effective treatments, and an eventual cure; and

Whereas advocacy organizations have designated July 22 as ''Fragile X Awareness Day'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of ''Fragile X Awareness Day'';

(2) supports raising awareness and educating the public about fragile X syndrome and associated disorders;

(3) applauds the efforts of advocates and organizations that encourage awareness, promote research, and provide education, support, and hope to those impacted by fragile X syndrome;

(4) recognizes the commitment of parents, families, researchers, health professionals, and others dedicated to finding an effective treatment and cure for fragile X syndrome;

(5) urges all physicians, health care providers, and specialists to—

(A) learn the clinical signs and symptoms of fragile X syndrome, fragile X-associated disorders, fragile X-associated primary ovarian insufficiency, and fragile X-associated tremor/ataxia syndrome;

(B) use diagnostic, developmental screening, and surveillance modalities to detect fragile X-associated disorders;

(C) test, when appropriate, individuals exhibiting signs of developmental delay or an autism spectrum disorder to determine the status of their FMR1 gene;

(D) gain a full understanding of the genetic implications of all fragile X-associated disorders, and when appropriate, make a referral to a geneticist or genetic counselor to assure that affected individuals and their families are aware of how a fragile X-associated disorder may impact their extended family; and

(E) provide patients diagnosed with fragile X-associated disorders with supplemental information maintained by the Centers for Disease Control and Prevention, the National Institute of Child Health and Human Development, and private foundations such as the National Fragile X Foundation and the FRAXA Research Foundation;

(6) recommends that the National Institutes of Health and related member institutes implement the research plan on fragile X syndrome and associated disorders developed by the Trans-NIH Fragile X Research Coordinating Group and Scientific Working Groups; and

(7) supports funding for research into the causes, treatment, and cure for fragile X syndrome.

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

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in

which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

Mr. PALLONE. Madam Speaker, at this time I would like to yield, initially, such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

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

Madam Speaker, it was some 13 years ago that a friend of mine at home approached me and described to me the characteristics and symptoms of a disorder he called fragile x. He demonstrated a familiarity with fragile x that was extraordinary, but he was talking about his son. I was embarrassed because I had no idea what he was talking about, but I was certainly not alone.

I, like many Americans, had never heard of fragile x, but his passion and our friendship motivated me to work with my colleagues to address this issue which is of such concern to so many in this country. And it is this lack of awareness that is at the heart of the problem. Most people who exhibit the characteristics of fragile x are not tested due to a simple lack of understanding, and this applies to both the medical community and to the general population. For that reason, I joined with two champions, Mr. HARPER of Mississippi and Mr. HARE, my friend and colleague on this side of the aisle, to reestablish the Fragile X Caucus. The goal has simply been to raise public awareness of this rather obscure disease, this disorder.

So today we speak on the resolution to commemorate—or re-commemorate—Fragile X Awareness Day, which is tomorrow, July 22, and to continue in an effort to raise awareness.

Fragile x is the most common known genetic cause of autism. It affects one in 4,000 males and one in 6,000 females of all races and ethnic groups. Over 100,000 Americans have fragile x syndrome; another 1 million Americans have or are at risk for developing an associated disorder. But through public awareness, we have the power to reduce the frequency of fragile x. Through early testing, research and education, we can make a difference. In fact, a simple blood test can now detect fragile x. And now, as a result of the Fragile X Breakthrough Act, which I cosponsored along with my then-colleague, Wes Watkins of Oklahoma, many scientists have conducted critical fragile x research projects rapidly accelerating new breakthroughs to help us understand its causes. Still, there remains much to be done.

In 2002, as my colleagues and I were debating a resolution to recognize National Fragile X Research Day, I promised Wes Watkins that I would continue to support this cause which he had championed during his career in this body. So now as I retire at the end of this term and move on with the next phase of my life, I rise today and ask my colleagues to continue to support this work.

□ 1310

It is my hope that, one day, we will see a time when all families suffering from the effects of fragile X will be helped so that they, too, will have the chance to move on and to enjoy the next phases of their lives.

On behalf of the thousands of Americans who have fragile X and the millions who are at risk—and their families—I urge my colleagues to support this resolution.

I thank the gentleman for yielding the time, and I, again, want to acknowledge Mr. HARPER and Mr. HARE for their outstanding work.

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

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

Madam Speaker, I rise today in support of H. Res. 611, a resolution supporting the goals and ideals of Fragile X Awareness Day.

Today, we recognize those with fragile X syndrome, their families, and the health care providers dedicated to treating and finding a cure for fragile X. Fragile X-associated disorders include three separate and distinct conditions: fragile X syndrome, fragile X-associated tremor-ataxia syndrome, and fragile X-associated primary ovarian insufficiency.

According to current studies, approximately one in 3,600 males and one in 4,000 to 6,000 females are born with the full mutation, and as many as one in 130 women are estimated to be carriers of the fragile X mutation.

These disorders are genetic, resulting in behavioral, developmental, and language disabilities throughout a person's lifetime. Fragile X is linked to a mutation of a single gene on the X chromosome and is the most commonly inherited form of intellectual disabilities. This condition is also linked to reproductive problems in women, including early menopause and a Parkinson's-like condition in older male carriers.

As the only Member of Congress who has a child with fragile X syndrome, my family understands the daily challenges that individuals with intellectual disabilities are confronted with. Like many parents, it took my wife and me a long time to understand and accept our son, Livingston's, diagnosis. Though, once we did, we began to also see our son for who he is—for all of the exceptional qualities he holds as an individual, for the positive impact he has on people he comes across in everyday life, and for the many lessons he has taught both of us, each day, along the journey we share as parents. We have seen him overcome challenges we never thought he would. We have witnessed the perseverance and dedication he has displayed in going after his dreams, and we have full faith in his potential to be a productive member of society and in contributing greatly to improving his community. This is a journey we share with each of the fragile X families.

I am committed to increasing awareness of fragile X syndrome and to providing individuals who are living with fragile X syndrome meaningful educational and employment opportunities.

Representative PHIL HART and Representative BILL DELAHUNT have been true champions of this issue on Capitol Hill for the past several years, and I want to take this opportunity to thank both of them for the work they have done and for the introduction of this legislation.

I would like to thank the Members of the House Energy and Commerce Committee for favorably reporting this resolution to the House floor, and I urge all Members to support this.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield such time as he may consume to the sponsor of the legislation, the gentleman from Illinois (Mr. HARE). I thank him for all that he has done to move this resolution to the floor and to draw attention to fragile X.

Mr. HARE. I thank my friend from New Jersey.

Madam Speaker, I rise in strong support of House Resolution 611, supporting the goals and ideals of Fragile X Awareness Day.

Madam Speaker, with 100,000 Americans affected and 1 million more at risk, fragile X syndrome is the most commonly inherited cause of mental impairment and autism. However, fragile X syndrome still remains a largely unknown disorder and is often misdiagnosed.

Tomorrow, July 22, families, patients, and advocates will take part in the 10th annual National Fragile X Awareness Day. Thanks to the efforts of the National Fragile X Foundation to unite the fragile X community, on Thursday, advocates all across the country will hold events and fundraisers in their cities and communities to raise awareness about this condition.

Madam Speaker, National Fragile X Awareness Day is an opportunity to educate the public as well as the medical profession about this disease. Increased awareness about this little known disease can significantly reduce the incidence of fragile X and lead to quicker diagnoses for families dealing with the disease. Growing awareness of this condition is also critical to securing additional research funding to create tomorrow's scientific breakthroughs to treat and ultimately cure fragile X.

I introduced this resolution not only to support the goals and the ideals of Fragile X Awareness Day but also to recognize fragile X advocates who work tirelessly to increase the awareness. Together, their voice is an invaluable

part of promoting public consciousness about fragile X syndrome, and it is because of their commitment that we are closer to finding a cure.

Madam Speaker, I first learned of the fragile X syndrome as I was leaving the floor and was walking back to my congressional office. I looked at my schedule, and I saw I had a group of constituents who wanted to talk to me about fragile X. I had no idea what fragile X was. On the way to my office, I kept trying to think, what could this be?

I had the opportunity to meet Holly Roos and other parents. Holly told me about her son and her daughter's battle with fragile X. The family shared stories and photos, and it motivated me to get involved. I started by participating in my first fragile X walk in Canton, Illinois, 3 years ago. Three walks later, I am as committed today as I was then to work to find a cure.

Because of Holly, Parker, Allison, and all of the people affected by fragile X, I was inspired to establish the Fragile X Caucus, along with Congressman DELAHUNT and my friend Congressman HARPER. The caucus is growing, and we are educating more Members daily about fragile X.

We have also successfully fought for more research funding for fragile X at the National Institutes of Health and the Department of Defense. We organized the first congressional briefing on fragile X. We released a public service announcement, and we continue to make finding a cure for fragile X syndrome a national priority.

I proudly serve on the caucus with two of the most dedicated Members of Congress to the fragile X cause:

The co-chairman, GREGG HARPER, is the parent of a child whom I've had the opportunity to meet. What a wonderful young man. How proud you are of him—his engaging smile and his willingness to come and to tour and to be with his father. You can see the love between them and what a wonderful and special young man he is.

For 15 years our friend Chairman BILL DELAHUNT has advocated on behalf of the fragile X community, and we will certainly miss his leadership on the caucus upon his retirement, but there is an old saying: Do you think this is the end for you, Mr. DELAHUNT? This is only the beginning. We are going to be asking more of you because Mr. DELAHUNT is going to have more time to spend with us.

□ 1320

Madam Speaker, Congress has an important role in raising awareness of fragile X syndrome. It's my hope that this resolution, and the efforts of the Fragile X Caucus, will provide greater awareness of fragile X. I urge all of my colleagues to vote in support of House Resolution 611.

I want to thank Chairman WAXMAN and Chairman PALLONE for working with me to bring House Resolution 611 to the floor on the eve of Fragile X Awareness Day.

Mr. HARPER. Madam Speaker, with special thanks to Congressman HARE and Congressman DELAHUNT, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume, and I will be brief.

I want to, first of all, express my support for House Resolution 611 and the goals and ideals of Fragile X Awareness Day and again thank all three of the previous speakers: Mr. HARE, the prime sponsor; Mr. DELAHUNT; and also Mr. HARPER.

As we know, fragile X syndrome can result in impairments that range from learning disabilities to more severe cognitive or intellectual disabilities. And I wanted to mention that scientists and researchers acknowledge a link between fragile X syndrome and autism or autistic-like behaviors. In fact, up to one-third of all children diagnosed with fragile X also have autism, and fragile X-associated disorders encompass a spectrum of conditions that impact individuals and families throughout the lifecycle. So it is really important that we put this resolution to the floor.

Tomorrow, Thursday, July 22, we'll celebrate the 10th annual Fragile X Awareness Day. Families, patients, and advocates across the country will convene local events and fund-raisers to raise awareness of fragile X-associated disorders.

I urge my colleagues to support this resolution.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 611, 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Con. Res. 292; concurring in Senate amendment to H.R. 725; H.R. 4380; and H. Res. 1513, each by the yeas and nays.

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

SUPPORTING NATIONAL AEROSPACE WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 292) supporting the goals and ideals of National Aerospace Week, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 454]

YEAS—413

Ackerman	Coffman (CO)	Guthrie
Aderholt	Cohen	Gutierrez
Adler (NJ)	Cole	Hall (NY)
Akin	Conaway	Hall (TX)
Alexander	Connolly (VA)	Halvorson
Altmire	Conyers	Hare
Andrews	Cooper	Harman
Arcuri	Costa	Harper
Austria	Costello	Hastings (FL)
Baca	Courtney	Hastings (WA)
Bachmann	Crenshaw	Heinrich
Bachus	Critz	Heller
Baird	Crowley	Hensarling
Baldwin	Cuellar	Herger
Barrett (SC)	Culberson	Herseth Sandlin
Barrow	Cummings	Higgins
Bartlett	Dahlkemper	Hill
Barton (TX)	Davis (AL)	Himes
Bean	Davis (CA)	Hinchey
Becerra	Davis (IL)	Hinojosa
Berkley	Davis (KY)	Hirono
Berman	Davis (TN)	Hodes
Berry	DeFazio	Holden
Biggert	DeGette	Holt
Bilbray	Delahunt	Honda
Bilirakis	DeLauro	Hoyer
Bishop (GA)	Dent	Hunter
Bishop (NY)	Deutch	Inglis
Bishop (UT)	Diaz-Balart, L.	Inslee
Blackburn	Diaz-Balart, M.	Israel
Blumenauer	Dicks	Issa
Blunt	Dingell	Jackson (IL)
Boehner	Djou	Jackson Lee (TX)
Bonner	Doggett	Jenkins
Bono Mack	Donnelly (IN)	Johnson (IL)
Boozman	Doyle	Johnson, E. B.
Boren	Dreier	Johnson, Sam
Boswell	Duncan	Jones
Boucher	Edwards (MD)	Jordan (OH)
Boustany	Edwards (TX)	Kagen
Boyd	Ehlers	Kanjorski
Brady (PA)	Ellison	Kaptur
Brady (TX)	Ellsworth	Kennedy
Braley (IA)	Emerson	Kildee
Bright	Engel	Kilpatrick (MI)
Broun (GA)	Eshoo	Kilroy
Brown (SC)	Etheridge	Kind
Brown, Corrine	Farr	King (IA)
Brown-Waite, Ginny	Fattah	Kingston
Buchanan	Filner	Kirk
Burgess	Flake	Kirkpatrick (AZ)
Burton (IN)	Fleming	Kissell
Butterfield	Forbes	Klein (FL)
Buyer	Fortenberry	Kline (MN)
Calvert	Foster	Kosmas
Camp	Foxx	Kratovil
Campbell	Frank (MA)	Kucinich
Cantor	Franks (AZ)	Lamborn
Cao	Frelinghuysen	Lance
Capito	Fudge	Langevin
Capps	Gallegly	Larsen (WA)
Cardoza	Garamendi	Larson (CT)
Carnahan	Garrett (NJ)	Latham
Carney	Gerlach	LaTourette
Carson (IN)	Giffords	Latta
Carter	Gingrey (GA)	Lee (CA)
Cassidy	Gohmert	Lee (NY)
Castle	Gonzalez	Levin
Castor (FL)	Goodlatte	Lewis (CA)
Chaffetz	Gordon (TN)	Lewis (GA)
Chandler	Granger	Linder
Childers	Graves (GA)	Lipinski
Chu	Graves (MO)	LoBiondo
Clay	Grayson	Loebsack
Cleaver	Green, Al	Lofgren, Zoe
Clyburn	Green, Gene	Lowey
Coble	Griffith	Lucas
	Grijalva	

Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
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
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Boccieri
Capuano
Clarke
Driehaus
Fallin
Hoekstra
Johnson (GA)
King (NY)
Mack
Maffei
Markey (CO)
Meek (FL)
Moran (KS)
Ortiz
Perriello
Shea-Porter
Tiahrt
Wamp
Welch

□ 1355

Mr. SPRATT changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DRIEHAUS. Madam Speaker, on rollcall No. 454, had I been present, I would have voted "yes."

INDIAN ARTS AND CRAFTS AMENDMENTS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes, 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 West Virginia (Mr. RAHALL) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 326, nays 92, not voting 14, as follows:

[Roll No. 455]

YEAS—326

Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Calvert
Camp
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nunes
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roskam
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
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—92

Akin
Austria
Bachmann
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bishop (UT)
Blunt
Boehner
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Campbell
Cantor
Chaffetz
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Dreier
Duncan
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lance
Latta
Lee (NY)
Linder
LoBiondo
Luetkemeyer
Lummis
Manzullo
Marchant
McCotter
McMorris Rodgers
Mica
Miller, Gary
Neugebauer
Olson
Paul
Pence
Petri
Pitts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Stearns
Thompson (PA)
Tiberi
Westmoreland

NOT VOTING—14

Capuano
Clarke
Fallin
Hoekstra
Johnson (GA)
King (NY)
Mack
Markey (CO)
Meek (FL)
Moran (KS)
Ortiz
Ros-Lehtinen
Tiahrt
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1405

Mr. BURTON of Indiana changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UNITED STATES MANUFACTURING ENHANCEMENT ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4380) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes, as amended, 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 Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 43, not voting 11, as follows:

[Roll No. 456]

YEAS—378

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

NAYS—43

Bachmann	Foxx	Marchant
Bartlett	Franks (AZ)	McCarthy (CA)
Barton (TX)	Garrett (NJ)	McCaul
Bilbray	Graves (GA)	Mica
Bilirakis	Griffith	Pence
Boehner	Hall (TX)	Pitts
Bonner	Harper	Price (GA)
Boustany	Herger	Radanovich
Brady (TX)	Hodes	Roskam
Broun (GA)	Jordan (OH)	Scalise
Camp	Kingston	Sensenbrenner
Cantor	Lamborn	Sessions
Coffman (CO)	Latta	Smith (NE)
Culberson	Lewis (CA)	
Flake	Linder	

NOT VOTING—11

Capuano	King (NY)	Ortiz
Fallin	Mack	Tiahrt
Hoekstra	Meek (FL)	Wamp
Johnson (GA)	Moran (KS)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1416

Messrs. CHAFFETZ, RYAN of Wisconsin, ROYCE, KLINE of Minnesota, TERRY, DAVIS of Kentucky, MCCLINTOCK, Mrs. MCMORRIS RODGERS, Mr. FORTENBERRY, Ms. ROS-LEHTINEN, and Messrs. MARIO DIAZ-BALART of Florida, LINCOLN DIAZ-BALART of Florida, FLEMING, ROONEY, and BACHUS changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING SARATOGA RACE COURSE ON 142ND SEASON

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1513) congratulating the Saratoga Race Course as it celebrates its 142nd season, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 14, answered ''present'' 2, not voting 20, as follows:

[Roll No. 457]

YEAS—396

Ackerman	Cantor	Dreier
Aderholt	Cao	Driehaus
Adler (NJ)	Capito	Duncan
Akin	Capps	Edwards (MD)
Alexander	Cardoza	Edwards (TX)
Andrews	Carnahan	Ellison
Arcuri	Carney	Ellsworth
Austria	Carson (IN)	Emerson
Baca	Cassidy	Engel
Bachmann	Castle	Eshoo
Baird	Castor (FL)	Etheridge
Baldwin	Chandler	Farr
Barrett (SC)	Childers	Fattah
Barrow	Chu	Filner
Bartlett	Clarke	Fleming
Barton (TX)	Clay	Fortenberry
Bean	Clyburn	Foster
Becerra	Coble	Foxx
Berkley	Coffman (CO)	Frank (MA)
Berman	Cohen	Franks (AZ)
Biggert	Cole	Frelinghuysen
Bilbray	Conaway	Fudge
Bilirakis	Connolly (VA)	Gallegly
Bishop (NY)	Conyers	Garamendi
Bishop (UT)	Cooper	Garrett (NJ)
Blackburn	Costa	Gerlach
Blumenauer	Costello	Giffords
Blunt	Courtney	Gingrey (GA)
Boccieri	Crenshaw	Gonzalez
Bonner	Critz	Goodlatte
Bono Mack	Crowley	Gordon (TN)
Boozman	Cuellar	Granger
Boren	Culberson	Graves (MO)
Boswell	Cummings	Grayson
Boucher	Dahlkemper	Green, Al
Boustany	Davis (CA)	Green, Gene
Boyd	Davis (IL)	Griffith
Brady (PA)	Davis (KY)	Grijalva
Brady (TX)	Davis (TN)	Guthrie
Braley (IA)	DeGette	Gutierrez
Bright	Delahunt	Hall (NY)
Broun (GA)	DeLauro	Hall (TX)
Brown (SC)	Dent	Halvorson
Brown, Corrine	Deutch	Hare
Brown-Waite, Ginny	Diaz-Balart, L.	Harman
Buchanan	Diaz-Balart, M.	Harper
Burton (IN)	Dicks	Hastings (FL)
Buyer	Dingell	Hastings (WA)
Calvert	Djou	Heinrich
Camp	Doggett	Heller
Campbell	Donnelly (IN)	Hensarling
	Doyle	Herger

Herseth Sandlin	McCotter	Ruppersberger
Higgins	McDermott	Ryan (OH)
Hill	McGovern	Ryan (WI)
Himes	McHenry	Salazar
Hinchey	McIntyre	Sánchez, Linda T.
Hinojosa	McKeon	
Hirono	McMahon	Sanchez, Loretta
Hodes	McMorris Rodgers	Sarbanes
Holden	McNerney	Scalise
Holt	Meeks (NY)	Schakowsky
Honda	Melancon	Schauer
Hoyer	Mica	Schiff
Hunter	Michaud	Schmidt
Inglis	Miller (FL)	Schock
Inslee	Miller (MI)	Schrader
Israel	Miller (NC)	Schwartz
Issa	Miller, Gary	Scott (GA)
Jackson (IL)	Miller, George	Scott (VA)
Jackson Lee (TX)	Minnick	Sensenbrenner
Jenkins	Mitchell	Serrano
Johnson, E. B.	Mollohan	Sessions
Johnson, Sam	Moore (KS)	Sestak
Jones	Moore (WI)	Shea-Porter
Jordan (OH)	Moran (VA)	Sherman
Kagen	Murphy (CT)	Shimkus
Kanjorski	Murphy (NY)	Shuler
Kaptur	Murphy, Patrick	Shuster
Kennedy	Murphy, Tim	Simpson
Kildee	Myrick	Sires
Kilpatrick (MI)	Nadler (NY)	Skelton
Kilroy	Napolitano	Slaughter
Kind	Neal (MA)	Smith (NE)
King (IA)	Neugebauer	Smith (NJ)
Kingston	Nunes	Smith (TX)
Kirk	Oberstar	Smith (WA)
Kirkpatrick (AZ)	Obey	Snyder
Kissell	Olson	Space
Klein (FL)	Olver	Speier
Kline (MN)	Owens	Spratt
Kosmas	Pallone	Stark
Kratovil	Pascrell	Stearns
Kucinich	Pastor (AZ)	Stupak
Lamborn	Paul	Sullivan
Lance	Paulsen	Sutton
Langevin	Payne	Tanner
Larsen (WA)	Pence	Taylor
Larson (CT)	Perlmutter	Teague
Latham	Perriello	Terry
LaTourette	Peters	Thompson (CA)
Latta	Peterson	Thompson (MS)
Lee (CA)	Petri	Thompson (PA)
Lee (NY)	Pingree (ME)	Thornberry
Levin	Pitts	Tiberi
Lewis (CA)	Platts	Tierney
Lewis (GA)	Polis (CO)	Titus
Lipinski	Pomeroy	Tonko
LoBiondo	Posey	Towns
Loebsack	Price (GA)	Tsongas
Lofgren, Zoe	Price (NC)	Turner
Lowey	Putnam	Upton
Lucas	Quigley	Van Hollen
Luetkemeyer	Radanovich	Velázquez
Luján	Rahall	Visclosky
Lummis	Rangel	Walden
Lungren, Daniel E.	Rehberg	Walz
	Reichert	Wasserman Schultz
Lynch	Reyes	Waters
Maffei	Richardson	Watson
Maloney	Rodriguez	Watt
Manzullo	Roe (TN)	Waxman
Marchant	Rogers (AL)	Weiner
Markey (CO)	Rogers (KY)	Whitfield
Markey (MA)	Rogers (MI)	Wilson (OH)
Marshall	Rohrabacher	Wilson (SC)
Matheson	Rooney	Wittman
Matsui	Ros-Lehtinen	Wolf
McCarthy (CA)	Roskam	Woolsey
McCarthy (NY)	Ross	Wu
McCaul	Rothman (NJ)	Yarmuth
McClintock	Roybal-Allard	Young (AK)
McCollum	Royce	Young (FL)

NAYS—14

Altmire	Ehlers	Linder
Berry	Flake	Nye
Burgess	Gohmert	Poe (TX)
Carter	Graves (GA)	Shadegg
Chaffetz	Johnson (IL)	

ANSWERED ''PRESENT''—2

DeFazio	Welch

NOT VOTING—20

Bachus	Cleaver	Johnson (GA)
Bishop (GA)	Davis (AL)	King (NY)
Boehner	Fallin	Mack
Butterfield	Forbes	Meek (FL)
Capuano	Hoekstra	Moran (KS)
Ortiz	Rush	Wamp
	Tiahrt	Westmoreland

□ 1425

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.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1537 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1537

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of July 23, 2010, providing for consideration or disposition of a measure addressing unemployment compensation.

SEC. 2. It shall be in order at any time through the legislative day of July 23, 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. SERRANO). The gentleman from Florida is recognized for 1 hour.

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

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1537.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1537 waives the requirement of clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee.

□ 1430

This would allow for the same-day consideration of any resolution reported through the legislative day of July 23, 2010, relating to consideration or disposition of a measure addressing unemployment compensation.

Finally, the resolution allows the Speaker to entertain motions to suspend the rules through the legislative day of July 23, 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 section.

These are not unusual procedures, as some of my colleagues on the other side are wont to argue. I want to point out that in the 109th Congress the Republican majority reported at least 21 rules that allowed for same-day consideration. In fact, five of those rules waived this requirement against any rule reported from the committee. This rule is for a specific bill.

Mr. Speaker, H.R. 4213, the Restoration of the Emergency Unemployment Compensation Act of 2010, ensures that absolutely essential funds continue to reach the millions of American citizens struggling to find a job, keep their homes, and provide for their families. This legislation is unconscionably overdue, with unemployment benefits having expired on June 1 of this year.

While I'm pleased to point out that this legislation is retroactive to that date, nevertheless, millions of Americans who desperately needed our support were left hanging by an egregious obstructionism that prevented this legislation from moving forward.

This Congress, and I include both the House and the Senate, has a responsibility to act in the best interest of the American people and to ensure that, in this time of extreme economic hardship, Americans can rely on essential government services to help them through the hard times. Unemployment insurance is one of those services, part of a range of urgently needed activities that are necessary to rebuild our economy and recover from the recession. There is no excuse for delay.

That only two Republican Senators saw fit to vote to ensure that 2.5 million Americans could claim lapsed benefits demonstrates a complete lack of concern for struggling Americans. The fact is that for every open job there are five applicants, leaving the vast majority out of work. Unemployment insurance is not a luxury; it is a necessity. Why Members of this Congress are able to vote in favor of massive tax cuts for the wealthy one day and against unemployment insurance for hardworking Americans the next day is beyond me.

And so, Mr. Speaker, I kind of like would rather that we not have to do a same-day rule. What we should be doing is a 6-weeks-ago rule so we can go back in time and relieve some of the great anxiety and financial hardship endured by millions of Americans while they waited for this Congress to act.

Over the past few days and weeks, much of the debate about the emergency measure has revolved around its cost. While I don't dismiss these concerns, bringing our economy back from the brink of disaster doesn't come cheap, and we have a responsibility to

support Americans during this most painful and difficult time.

In fact, I would argue that Democrats and Republicans have a significant difference of opinion when it comes to what it means to be fiscally responsible. Seemingly, my Republican colleagues think that being fiscally responsible means that when our economy is prospering, and it has prospered in the past and will again, when it's prospering, you will have free rein to cut taxes for the wealthiest and the well to do among us and spend with abandon, as they did when we were prospering. But when their irresponsible fiscal policies come back to bite them, well, then it's too expensive to invest in our economy, to provide for those who can't provide for themselves, or to spend what is necessary to jumpstart the economy.

Republicans say they aren't opposed to spending these funds on unemployment insurance; they just want to cut the same amount from other programs. Well, I'll tell you what they can cut. How about not doing any further tax cuts for wealthy people? How about cutting missiles to nowhere? How about cutting some of this Pentagon money and war in this world? How about cutting huge tax subsidies for offshore oil drilling? How about cutting out people taking their money and running to tax havens away from America and not fulfilling their responsibilities?

Mr. Speaker, I don't see Republicans offering to cut those things. Instead, I see them blocking essential legislation with vague platitudes about the need for cuts. They see nothing wrong with leaving the people who are most suffering the effects of their misguided economic views out in the cold. The Republicans' track record has proved them to be nothing but fair-weather deficit hawks.

Democrats, on the other hand, see things a bit differently. We, too, believe that balancing the budget is vital for our long-term prosperity. And I've been here and others, as well as the sitting Speaker, have been here when we did just that, balance the budget. But it can't be done on the backs of struggling Americans. In order to grow this economy, we need to invest in the American people. The Federal Government has a responsibility to help our communities meet their needs and ensure that anyone who wants to find work for a decent wage can do so.

Our economy is already showing considerable signs of recovery, but a jobless recovery is unacceptable. Make no mistake, job creation is the number one priority for Democrats. That is why we're working hard to find ways to create jobs and grow our economy again. But, in the meantime, we cannot simply let millions of Americans fall into financial ruin, lose their homes, be unable to pay their rent, and jeopardize their futures and the futures of their families and children.

Unemployment insurance can make the difference between whether families can afford to put food on the table or pay rent while they devote themselves to finding new employment or to get by, just get by, until the economy improves and jobs are more forthcoming.

I urge my colleagues to support this rule, Mr. Speaker, so that this much-needed, much-overdue legislation can be considered in a timely manner. The American people are waiting. And waiting 1 more minute, not 30 minutes on the U.S. Senate, or 30 hours as they are taking now, waiting 1 more minute is 1 minute too long.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Florida for yielding time, and I yield myself such time as I may consume.

You know, he mentioned that we have no problem on one day voting for tax decreases and then the next day voting against unemployment benefits. Unfortunately, our colleagues across the aisle haven't given us an opportunity to vote for tax decreases in this session of Congress. Would that we'd had that opportunity, we certainly would have, because the money that the hardworking people of this country earn belongs to them. It doesn't belong to the government. That's what our colleagues across the aisle think. They want to control everything in this country, including all of the money that the good citizens of this country work hard to earn.

Mr. Speaker, today I rise in opposition to this same-day rule on unemployment insurance.

When the White House economic advisors released their report back in January 2009, they concluded that if we just borrowed $1 trillion, the stimulus would stop the unemployment rate from increasing beyond 8 percent. Here we are with a 9.5 percent unemployment rate, the largest deficit in our history, and the national debt at almost $14 trillion. The response of the liberal Democrat leadership is to add $30 billion more to the deficit by not offsetting another extension of Federal unemployment benefits.

The American people want real economic growth and private job creation. If job creation is the number one priority for the Democrats, I'd hate to see what the number two priority is, given the dismal numbers that they've created, particularly in the last 18 months.

During consideration of H.R. 5618, the Democrats' $34 billion unpaid for Restoration of Emergency Unemployment Compensation Act, before the July 4 recess, Democrats opposed the Republican motion to recommit, which would have paid for the extension.

Specifically, the Republican motion to recommit would have used $34 billion in unspent stimulus funds to cover the cost of extending expired unemployment benefits through November 30. This was a fiscally responsible motion which recognized that the American people want Washington to stop spending money we don't have. Adding insurmountable amounts of spending to our soaring deficit helps no one.

□ 1440

Painting Republicans as being unfeeling and uncaring about those who have lost their jobs is inappropriate. We are very concerned with those people, and we want to do everything that we can to help them. But putting us more and more into debt and increasing the deficit is not going to do that. And our colleagues across the aisle should have learned that by now with their very, very bad policies.

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

Mr. HASTINGS of Florida. Mr. Speaker, just to answer my distinguished colleague from North Carolina very briefly, when she began her remarks by indicating that we haven't given them an opportunity to vote on tax cuts, my last look at the American Reinvestment and Recovery Act gave 95 percent of Americans a tax cut. I would be interested to know how many Republicans supported that measure.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Speaker, as was correctly pointed out, Republicans had ample opportunity to vote for tax cuts for Americans. As was amply pointed out just a moment ago, 95 percent of the American people got a tax cut under the Recovery Act, and 0 percent of the Republican Caucus voted in favor of it. So there again, when average Americans get a chance for a tax cut, no. When rich folks get a chance for a tax cut, absolutely.

By the way, those tax cuts don't have to be set off. During the Bush administration, well over $700 billion worth of tax cuts were not set off at all. And now we're just asking for a little bit of money for average working Americans who have worked for a benefit, Mr. Speaker, to get a little bit of help when they really, really need it. No, we're not asking for a set-off for unemployment insurance benefits because it's an emergency.

It's an emergency for that mom trying to get some cereal to put it on the table for her kids. It's an emergency for that dad who's trying to pay rent so they don't get thrown out. It's an emergency for that family who is facing foreclosure because they cannot pay their mortgage because they have been out of work. It's an emergency. It is appropriate not to have to set it off because those are the rules that we have been living by in this body for years and years and years. Now, because of partisanship, Republicans don't want to go by those rules, they want to make political hay and delay, delay people's help when their help should be coming.

Mr. Speaker, the fact is 2.5 million Americans have to wait another day because Senate Republicans have to make a political point. That is a

shame. That is too bad. If the caucus opposite, if the Senate Republicans really have a heart for the American people, they will prove it by stopping their unsympathetic and relentless delay of unemployment insurance benefits.

Ms. FOXX. Mr. Speaker, when asked on July 4th are we headed in the right direction, Vice President BIDEN answered, ''The economic initiatives that we took, they're working. They're working.'' Vice President BIDEN's repeatedly touted the failed stimulus package, and has recently coined what he calls ''the summer of recovery.'' Yet when asked about concerns that the stimulus is not working he acknowledges that unemployment remains, ''unacceptably high.''

You know, if we are in a summer of recovery, we can't quite understand why we continue to have high unemployment in this country. When asked by ABC's This Week host Jake Tapper in an interview aired Sunday if the administration ''is getting enough credit'' for the Wall Street bill, the health care bill, and the economic recovery act in light of polls showing the majority of Americans believe the country is on the wrong track, Mr. BIDEN said, ''The vast majority of the American people and a lot of people really involved don't even know what's inside the packages.'' On the contrary, for the first time in a long time the American people are taking a very strong interest in what Congress is doing, reading the bills and voicing their opinions.

Eighteen months after President Obama's $862 billion so-called stimulus, which really cost $1.2 trillion if you include the $347 billion that the Congressional Budget Office estimates for interest payments on the borrowed money, as my colleagues said across the aisle, there are still five job seekers for every job opening, and we have a 9.5 percent unemployment rate. I appreciate my colleague from Florida helping me make that point that we still have a problem despite the fact that there have been so many policies passed here and so much money spent. We have a 9.5 percent unemployment rate.

Instead of facing reality, we are hearing that everything is going great. That is, everything except that which they might be able to somehow blame on the previous administration. Ignoring that virtually all of the jobs they are touting are government jobs, this misleading statistic doesn't represent net job growth, thereby omitting all the jobs lost since the liberals seized complete control of Washington.

Doesn't it really seem discordant to be promoting unemployment benefits when Democrats are touting this as the summer of recovery? If the Democrats' stimulus were so successful, why do we need to increase our debt by $30 billion more for additional Federal unemployment benefits? Rather than acknowledge their stimulus plan failed and the American people were sold a bill of goods, the President and his administration continue to propose new government programs that increase the deficit. This is wrong. The American people know it.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Massachusetts, my good friend and colleague on the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, extending help to the unemployed is the right thing to do. It's the decent thing to do. We should have done it a long time ago. My colleagues on the Republican side have frustrated attempt after attempt after attempt after attempt to extend these benefits to people, most of whom have lost their jobs through no fault of their own.

My friends on the other side of the aisle say, well, we can't afford to do it, that we need to pay for this, even though they are emergency benefits. Well, why don't we pay for the Bush tax cuts, which added hundreds of billions of dollars to our debt? Why don't we pay for the wars in Iraq and Afghanistan, all funded through borrowed money? Why is nation building in Afghanistan more important than our own people? Why is giving Donald Trump another tax cut that is unpaid for, that adds to our deficit, more important than helping those who are unemployed?

I ask my friends on the other side of the aisle, What are you thinking? Why don't you care? Whose side are you on? I urge my colleagues on the other side of the aisle to leave the Beltway every once in a while and go back and talk to your own constituents, and you will see that people are struggling, that there are people who are suffering because of this economy.

This is a difficult economy that is slowly but surely beginning to recover. It is a difficult economy that President Obama inherited from George W. Bush. We are trying to dig ourselves out of this mess that my Republican friends have created. It's going to take time. I remind my friends on the other side of the aisle that when George Bush was President we were losing an average of nearly 750,000 jobs per month in the last 3 months of the administration.

□ 1450

Twenty-two consecutive months of job losses, that's what they gave us.

When they talk about the deficit, I remind them that President Bill Clinton left George W. Bush a record surplus that they squandered on tax cuts for the rich and two wars that were unpaid for.

And, you know, the reason why we talk about President Bush's record is because the head of the Republican Congressional Campaign Committee, Pete Sessions, when asked what the Republican plan was, he said, We need to go back to the exact same agenda: the exact same agenda that produced these record deficits, the exact same agenda that put millions of people in this country out of work. Now, I've heard a lot of scary things in this Chamber, but I've got to tell you, that is the scariest thing I've ever heard.

I don't want to go backwards. I don't want to go back to the time where we were losing hundreds of thousands of jobs per month. President Obama to his credit and the Democratic Congress here are trying to fix the mess that they created, and we are now beginning to see job increases in this country. Not as much as we want, but we're moving in the right direction.

But in the meantime, we cannot turn our backs on those who are unemployed. So I say to my Republican friends in the United States Senate, stop your obstructionism. Stop playing politics with unemployment benefits and move out of the way and allow this bill to move forward so we can vote on it here on the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

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

I know our colleagues again continue to want to rewrite history, but it's just not something we're going to let you do.

Our economy was doing great until you all took over the Congress in January of 2007. You keep blaming what happened in the last few months of President Bush's Presidency on President Bush. But you were in control of Congress. You've been in control. And you have to take the responsibility for what happened. The job losses came on your watch.

We had a $200 billion deficit when you took over the Congress, and you have caused the deficit to go up. It is Democrat policies which have created the problems, not the Republican policies.

On Monday, President Obama took to the Rose Garden to criticize Republicans for insisting that new government spending to extend the Federal unemployment insurance program be paid for by cutting government spending elsewhere. Ironically, in another speech in the Rose Garden last November, President Obama took the opposite position, touting his signing an extension that was ''fully paid for.'' And this is his quote: I would also like to announce I just signed into law a bill that will help grow our economy, save and create new jobs, and provide relief to struggling families and businesses. Now it's important to note that the bill I sign will not add to our deficit. It is fully paid for and so it is fiscally responsible.

Those remarks were made by President Obama on November 6, 2009. So he was for paying for spending before he was against it.

On June 28, Speaker PELOSI made statements indicating the best way to

create new jobs is to hand out more unemployment checks. This is her quote: This is one of the biggest stimuluses to our economy. Economists will tell you this money is spent quickly. It injects demand into the economy and it is job-creating. It creates jobs faster than almost any other initiative that you can name.

This is news to a lot of economists.

I wanted to share also a portion of a Wall Street Journal article from Tuesday entitled, ''Stimulating Unemployment.'' This is the quote: ''Only last week, Vice President Joe Biden was hailing the stimulus for saving and creating three million jobs. This week the White House says we need even more stimulus in the form of jobless checks to make up for the jobs his original spending stimulus didn't create.''

The one possibility the President and congressional Democrats won't entertain is that their own spending and taxing and regulating and labor union favoritism have become the main hindrances to job creation. Since February 2009, the jobless rate has climbed to 9.5 percent from 8.1 percent, and private industry has shed two million jobs. The overall economy has been expanding for at least a year, but employers still don't seem confident enough to add new workers. The economists who sold us the stimulus say it's a mystery. But maybe employers are afraid to hire because they don't know what costs government will impose on them next.

In the immediate policy case, Democrats are going so far as to subsidize more unemployment. If you subsidize something, you get more of it. So if you pay people not to work, they often decide not to work or at least to delay looking or decline a less-than-perfect job offer holding out for something that may or may not materialize.

The economic consensus which includes Obama administration economists in their previous lives couldn't be clearer on this. In a 1990 study for the National Bureau for Economic Research, labor economist Lawrence Katz found that the results indicate that a 1-week increase in potential benefit duration increases the average duration of the unemployment spells of unemployment insurance recipients by 0.16 to 20 weeks, 16 to 20 weeks.

A March 2010 economic report by Michael Farrell of JP Morgan Chase examined several studies and concluded that lengthened availability of jobless benefits has raised the unemployment rate by 1.5 percent points.

A 2006 NBER study by Raj Chetty of U.C. Berkeley on a related subject begins: It is well known that unemployment benefits raise unemployment durations.

President Obama has said that this is a misguided notion and that attitude reflects a lack of faith in the American people. Yet Democrats have consistently passed legislation which takes away the choices and freedoms of the American people. That is the true reflection of a lack of faith in the American people.

And with that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to a good friend of mine at this time, the distinguished gentleman from Memphis, Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank Congressman HASTINGS for the opportunity to speak on this issue.

Mr. Speaker, this is a very important issue to the American economy and the American public. My friend from North Carolina suggests that economists don't think this is a good thing. Well, Mark Zandi, who's the chief economist at Moody's, who was one of President Bush's economists and supporters, says, ''No form of the fiscal stimulus has proved more effective during the past 2 years than energy UI benefits, providing a bang for the buck of $1.61,'' for every dollar put in.

Paul Krugman, Nobel Prize-winning economist—that's not a bad little opportunity prize to win—''One main reason there aren't enough jobs right now is weak consumer demand. Helping the unemployed, by putting money in the pockets of people who badly need it, helps support consumer spending. That's why the Congressional Budget Office rates aid to the unemployed as a highly cost-effective form of economic stimulus.''

Timely, targeted, and temporary are the three keys to stimulus spending; and unemployment compensation goes to people who are the Purple Hearts of this economic recession, an economic recession caused by George W. Bush.

My friend from North Carolina says we're forgetting history. I'll tell you about history. Under Bill Clinton, we had a budget surplus. Under George Bush with a misguided war built on lies and tax breaks to the wealthiest people in the country, we built up budget deficits, which we have had to increase because of the need to get out of this worst economic recession since Herbert Hoover—George Bush's ideological father—put us into the Depression some 80 years earlier.

No more American, independent, private-spending person than Warren Buffet has said that unemployment compensation should be passed. It helps the economy and it's just the right thing to do. This is the right thing to do for the economy, for the people who've gotten the Purple Hearts of this economic downturn, and for our country. And I urge everybody to use their brains and their hearts and to support this proposition.

Ms. FOXX. Mr. Speaker, I will just point out again to our colleagues across the aisle that the reason we had a surplus when Bill Clinton was President was because Republicans were in charge of the Congress, and the reason we had a deficit the last 2 years of the Bush administration is because Democrats were in charge of the Congress.

We'll continue to remind you of that.

I now would like to yield such time as he may consume to my distinguished colleague from California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather Community for the great job that she's doing managing this rule, and I even recognize my friend from Fort Lauderdale is doing a reasonably decent job of managing the rule from his side.

□ 1500

You know, the focus of this institution is right now on what it is that the American people want us to focus on, jobs. Everybody here, Democrat and Republican alike, is talking about getting our economy back on track, creating job opportunities. The problem is that the policies that are emanating from this institution are tried and failed policies of the past.

I listened to my friend from Tennessee just a moment ago talk about the Great Depression. Well, Mr. Speaker it's very obvious that the policies of tax-and-spend that were pursued during the Great Depression exacerbated the Great Depression. In fact, very famously in testimony delivered before the House Ways and Means Committee in the fall of 1939, the Treasury Secretary, Henry Morgenthau of Franklin Delano Roosevelt, had these words to say. He said, We've tried spending money. We've spent more than we've ever spent before. Now, after 8 years of this Roosevelt administration, we have unemployment that is just as high today as it was when we started and an enormous debt to boot.

Now, Mr. Speaker, if you look at the Treasury Secretary of John F. Kennedy, Secretary Douglas Dillon, who pursued a pro-growth economic policy, you would not find him critical of President John F. Kennedy's economic policy. If you look at Treasury Secretary James Baker, who had been an opponent of Ronald Reagan's vision of putting into place pro-growth economic policies during the 1980s or, actually, when he was running his friend George H.W. Bush's campaign, he called it voodoo economics. But if you talk to Jim Baker today, he is a huge proponent of those policies, having seen the empirical evidence of their success.

So as we look at Secretary Douglas Dillon, as we look at Secretary James Baker, and look at Secretary Henry Morgenthau, it's very clear what it is that works. And so that's why, while Democrats and Republicans alike, Mr. Speaker, talk enthusiastically about getting the economy back on track, getting jobs created—because we all know how the American people are suffering. In part of the area I represent, Mr. Speaker, I have a 14.4 percent unemployment rate. It was just announced this week. My Statewide unemployment rate in California, a State with nearly 40 million people, the largest State in the Union, the greatest

and most important State in the Union I should add as well, has tragically an unemployment rate of 12.3 percent.

We all know that with the policies that we've gone through in the last 18 months, we were promised that if we pass the trillion-dollar stimulus bill we would not see the unemployment rate exceed 8 percent. We were told at this point following implementation of the stimulus bill that the unemployment rate would be at 7.4 percent. Well, as I said, in my State it's 12.3 percent, the largest State in the Union. Nationwide we all know, very sadly, it is 9.5 percent.

So clearly everybody's talking about the need to create jobs and get our economy back on track, but the policies have been the tried and failed policies of the past.

I had an interesting conversation 2 years ago with one of the leaders in Latin America who had been the President of his country in the 1980s. He was President for 5 years, and during that period of time, he pursued an extraordinarily statist, big government, high tax, regulatory vision for his country, and they had serious problems. He became President again and governed like Ronald Reagan governed. He focused on reducing the size and scope and reach of government. He reduced taxes to stimulate economic growth. He put into place an effort to reduce the regulatory burden, and he said to me in this meeting 2 years ago that the worst 5 years in the modern history of his country had been when he was President from 1985 to 1990. And he asked rhetorically, how can you in the United States of America contemplate moving in the direction that the rest of the world has learned to have failed?

I was just talking to the son of Ronald Reagan a few minutes ago, Michael Reagan, on the phone. He told me that he was just in France, and we all know that we have not used France as our economic model for the future. But Mike Reagan was telling me that he was there, and people are scratching their heads wondering why it is that we would be pursuing in the United States of America, the greatest Nation the world has ever known, a policy that has led to an 84 percent increase in the last 18 months in nondefense discretionary spending.

So, Mr. Speaker, we're here under a martial law rule, and since it's part of my job as a member of the Rules Committee to focus on procedure, I want to congratulate my friends in the majority for establishing martial law rule only for the issue at hand here and not providing blanket consideration of martial law rule.

I will say as I said in the Rules Committee last night, we have since mid-to late May every single week extended suspension authority through the rest of the week. Last week, we took a little break from that and we didn't do it, but this week again in this rule we have blanket extension of suspension authority. I know those are very inside baseball things, but they are indicative of an arrogance that we have seen from the majority that is really undermining the deliberative process the American people deserve and desperately seek for this institution.

So, Mr. Speaker, I'm going to join with my friend from Grandfather Community, North Carolina, in urging my colleagues to vote ''no'' on this rule in hopes that we can come together with a very decent and bipartisan approach following the John F. Kennedy-Ronald Reagan model to make sure that we get our economy back on track.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), who is a good friend of mine.

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

Mr. ANDREWS. It must, Mr. Speaker, be a luxury to have the ability to think about the great sweep of economic history since the 1930s, and I enjoyed very much the remarks of my friend from California, but we're here to talk today about 2.5 million Americans who don't have that luxury. These are people who have been out of work for a very long time, and as the first of the month rolls around very soon and there's no rent payment or no mortgage payment in their checking account, as they find it difficult or impossible to pay their utility bills, their health care bills, and they're slipping away, these are the Americans that we're here to talk about this afternoon, 2.5 million Americans.

The extension of unemployment benefits should have been done a very long time ago. There should not have been this wait to extend the benefits. Some people said that we should delay the benefits because people aren't looking hard enough for a job who are on unemployment. I would challenge those who make that assertion to go walk in the shoes of someone on unemployment a little while and see just how difficult it is to find a job.

The problem in America today is not that people aren't looking hard enough for work. It is that frankly not enough jobs are being created. We can all agree to that. How to fix that problem is a subject of debate in this country and on this floor.

But as we have that debate, isn't it the right and good and decent and necessary thing to do to look after the interests of those 2.5 million Americans, and should it not have been done a while ago? Now, why wasn't it? There are Members who in good faith in the other body argued that the bill should not even be voted on, not even be taken up, until there was money set aside to pay for the cost of the extension of the unemployment benefits. That was their argument. Sounds like a fairly plausible argument until you look a little bit beneath the surface and understand these are many of the same Members of the other body who are calling for a permanent extension of tax reductions to the wealthiest Americans.

Let me explain what that means. These are people who are saying in the days of a person who owns an office building and a person who was laid off from a job cleaning the office building, that the following rules ought to apply.

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman.

Mr. HASTINGS of Florida. I will yield additional time.

I just want to share with you as a segue of what you're saying, these are remarks from Senator KYL on the other side:

On extending President Bush's tax cut, despite the cost, his quote, ''You should never have to offset cost of a deliberate decision to reduce tax rates on Americans.''

□ 1510

These are the people that are holding up unemployment.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I think my friend would say this: that that philosophy says that the person who got laid off from her job cleaning the office building at night can't get unemployment benefits unless we find a way to pay for it, but the guy who owns the office building, who would get a half million dollar a year tax break, should get that tax break whether or not there is money to offset that expenditure.

Now, I just don't understand that. I don't understand a philosophy that says that you have to offset and pay for help to a person who cleans office buildings, but by no means do you have to offset a tax break for a person who owns the building.

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

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. If you have that philosophy, shouldn't it, at the very least, have been put up for a vote? Wasn't it wrong for people in the other body to deter that from even coming up for a vote?

They have gotten beyond that hump. Too little, too late in many ways, and we have an opportunity today to do our duty, put that issue squarely on the floor. Our colleagues on both sides should vote ''yes'' and let this House have its say and work its will so that we can address the very real needs of 2.5 million of our fellow citizens.

I urge Members to vote ''yes.''

Ms. FOXX. Mr. Speaker, I would point out to my colleagues across the aisle, Mr. Speaker, that Democrats are totally in control of Congress. They have been since January of 2007. In the House, the number is 255–178. There are two vacancies. In the Senate, it's 59–41, so the Democrats are clearly in charge,

but they continue to blame Republicans who are very much in the minority. The American people are seeing through that, Mr. Speaker. They understand who has the responsibility. And I think, what the quote from Mr. KYL is saying is that the money belongs to the citizens of this country.

I thank my colleague from Florida for bringing it up. It proves the point. Our friends on the other side of the aisle think that all the money in this country belongs to the government and that it's up to the Members of Congress to decide who is going to get that money. They joined in with President Obama in believing that they should spread around the wealth, take from some and give to others. I think we have heard that philosophy before, but that isn't what the American people believe. They believe that they worked hard for their money; they should keep it.

And I would also say to my colleague across the aisle, is it right and decent to saddle the American people with debt that is going to haunt us for many, many generations? Children not yet born are going to be given this debt while our friends across the aisle fund their pet projects and take from those that they wish to take from and spend where they want to.

There wouldn't need to have been any kind of wait because, again, you are in the majority. You could do this.

I want to say again, Republicans are very sympathetic to those who have lost their jobs, but the problems came when our colleagues across the aisle began irresponsible spending when they took over the Congress, adding rules and regulations. We know what drives jobs away. It's increased government spending and it's increased rules and regulations.

I think that we have to point out the liberal Democrat agenda has failed. Our friends across the aisle need to go back to the drawing board and come back to the American people with real solutions to their real problems.

We are in touch with those folks. I go home every weekend and I talk to the people in my district and they tell me they are very concerned about the future of this country. I can't tell you, Mr. Speaker, how many people tell me every weekend, I am frightened to death for the future of this country based on what is happening in Washington these days.

This isn't the time to dither and blame the Republican minority for the disappointing collapse of governments we have seen since the liberal majority seized control of Congress in 2007.

As I said, my colleague from Florida said earlier that job creation is the number one priority for Democrats. Well, obviously, they are missing the mark. Their spending programs have destroyed, not created, jobs.

Albert Einstein is credited with saying the definition of insanity is doing the same thing over and over again and expecting different results. Well, our colleagues keep doing the same thing over and over again and expect different results. They are not going to get different results as long as they have these irresponsible policies.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from not very far from here, Maryland, DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, look, at 3 o'clock this afternoon, 2,742,660 Americans were denied an extension of their unemployment benefits. It's just that simple. And I have heard the arguments on the other side, but when a liberal goes in to buy bread, nobody says that's liberal bread. When a conservative goes in to buy cereal, nobody says that's conservative cereal. When Republicans go in to pay their rent, nobody says that's Republican rent. When Democrats go in to pay that electric bill, nobody says that it's a Democratic electric bill.

Yet here on this floor, we have heard time and time again about liberals and conservatives and Republicans and Democrats. And when Americans are unemployed, it really doesn't matter what any of those labels are because they are trying to feed their families. They are trying to take care of their responsibilities. They have paid in, in many cases, for years and years and years, into an unemployment compensation insurance fund, and now that it's time to draw on it, our Republican colleagues want to deny them the opportunity to get what is justly theirs.

Now, our Republican colleagues a number of times, first in March of 2010 this year, 85 percent of them voted ''no'' for extending unemployment benefits. April 15, 93 percent of them voted ''no'' for extending unemployment benefits. On the 20th of July, we don't know. Are we going to again vote not to extend unemployment benefits to those who have run out of employment benefits, those who are not employed, to those who work hard every day going out there searching for jobs?

So the Republicans want to extend tax benefits for the wealthiest of Americans, billions and billions of dollars, but they don't want to extend unemployment benefits for people who have done everything that we have asked them to and they can't find a job. Republicans don't want to create jobs. They don't want to give unemployment benefits.

I have to ask. I mean, I just think that at home people are saying, What in the world is going on here? It's time to stop it. It's time to extend unemployment benefits, and it's time for Republicans to stop playing games, because this is about jobs.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

In response to my good friend from California, firstly, I would argue with you that California is not necessarily the greatest State in the Union. We happen to have 50 great States and six wonderful territories in this great country of ours. But coming from Florida, I find that rivalry worthwhile. We will match him any day.

This Congress, when he speaks in terms of the measure that we are proceeding on, from the standpoint of process, this Congress alone provided suspension authority on a day other than Monday, Tuesday, or Wednesday, has allowed for passage of the Iran sanctions conference report, a paid-for doc fix, the Small Business Microlending Expansion Act, the Medicare Premium Fairness Act, and a resolution recognizing Israel's right to defend itself against attacks from Gaza, sponsored by the Speaker along with Representatives BOEHNER and CANTOR.

□ 1520

This same-day authority has allowed for passage of several bills that have already become law, including a bill authorizing the Oil Liability Trust Fund for the Deepwater Horizon oil spill, legislation expanding the Small Business Loan Guarantee program, legislation for the Temporary Extensions Act and the Worker, Homeownership, and Business Assistance Act. All of these bills passed with overwhelming support from the House.

This same process has not only benefited majority Members, it benefited Republican Members as well. Representatives LUETKEMEYER, GINGREY, TIBERI, CALVERT, REICHERT, PLATTS, FALLIN, SCHOCK, FORTENBERRY, CARTER, and LEE have all benefited from this provision by having their legislation adopted under suspension of the rules in spite of what day of the week it was. So much for that. Back to the point dealing with unemployment.

People think that this stuff is done in a vacuum sometimes. Well, Senate Republicans have repeatedly obstructed job creation legislation that extended critical unemployment insurance benefits to help Americans who lost their job through no fault of their own make ends meet as they look for their next job opportunity.

The Republican obstruction is unprecedented. Since 1959, Congress has never allowed unemployment benefits to expire when unemployment is more than 7.2 percent. There are a considerable number of economists—Alan Blinder, Ralph Martire and, then more important, the Center on Budget and Policy Priorities—who say that for every $1 spent on unemployment it creates $1.90. So, really, the best stimulus for this economy suggests, as the economists do, that it is stimulated much more by spending on unemployment than we would tax cuts.

I want to say one final thing on tax cuts. I have two personal friends that are fortunate enough in this country to be billionaires. They earned their money the hard way; they earned their money during good and bad times, and

none of us hold any truck with either of those billionaires. I know two other billionaires personally, and not one of them before has ever said that they favored tax cuts—just to talk about some of the American people—they manage regardless.

Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from Oregon, a good friend of mine, Mr. DEFAZIO.

Mr. DEFAZIO. Mr. Speaker, I was in my office and heard this debate, which was sort of a departure from reality on the Republican side of the aisle. They say we should blame the victims of the Wall Street-led crash in America. These people are lazy; they don't want to work. Why, if we just cut off their unemployment benefits, maybe they will go out and find a job. The jobs don't exist. They were destroyed by greed on Wall Street, by the reckless Republican policies of deregulation at any cost, of tax cuts for the wealthiest among us because trickle down would help the working people of America and put them back to work. Craziness.

I have 60,000 Oregonians, a State with over 10 percent unemployment, hard hit who will benefit from this bill. Now, they would say that's a special interest or an earmark to help 60,000 Oregonians who have exhausted their unemployment benefits. Let me just talk about one who I met in the unemployment office. Shame on you on that side of the aisle. Shame on you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members will address their remarks to the Chair, not to other Members in the second person.

Mr. DEFAZIO. Shame on those who would not extend unemployment benefits, whoever they might be—I think they're on that side of the aisle.

Now, this gentleman, hardworking construction worker, older guy, fifties, 30 years never been unemployed, 30 years. He lost his job. Kind of a tough market for an older construction worker. He was in the unemployment office, initially pretty hostile; and afterwards he came over and he apologized and he said, I know you're not responsible for this. I know it was the Bush administration, and their policies put us in this mess, but I'm desperate, I'm desperate because my wife is really sick. And I can get extended health care benefits under COBRA for 900 bucks a month because I had a pretty good plan, but my unemployment is only about 1,200 bucks a month—Easy Street, the Republicans talk about, these people are living on Easy Street with $1,200 a month. $900 a month for health insurance for a desperately ill wife. How does he pay the mortgage? How does he feed the kids?

Now, come on, let's get real here. You don't want to pay for tax cuts for the wealthy. You didn't pay for a $1 trillion war in Iraq that we didn't need, but now we've got to pay for the emergency unemployment benefits. Humbug.

The SPEAKER pro tempore. The Chair will note that the gentleman from Florida has 2 minutes remaining and the gentlewoman from North Carolina has 7½ minutes remaining.

Ms. FOXX. Mr. Speaker, I urge my colleagues to vote ''no'' on this same-day rule, reject the liberal agenda that continues to distract from private sector job creation and getting our economy back on its feet.

I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, he fought his way all the way over here, and even though I have but 2 minutes, I would like to share 1 of my minutes with Mr. LANGEVIN.

I would inquire of my good friend from North Carolina if she would be so kind as to yield 30 seconds to Mr. LANGEVIN as well.

Ms. FOXX. Mr. Speaker, I ask unanimous consent to reclaim my time.

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

There was no objection.

Ms. FOXX. Mr. Speaker, I would be more than happy to yield 30 seconds to Mr. LANGEVIN.

Mr. LANGEVIN. I thank both the gentleman and the gentlelady for yielding time on this very important issue. I am very grateful.

I do rise in strong support of this rule for consideration of H.R. 4213, the Restoration of Emergency Unemployment Compensation Act. This very important bill provides a critical boost for more than 2.5 million Americans across the Nation, including 6,000 Rhode Islanders right now who are struggling to find employment. Not only that, but for every $1 spent on unemployment benefits, $1.90 is put back into the economy. These benefits are crucial for working families as they search for new opportunities in a very tight job market.

In my home State of Rhode Island, we have the country's fourth highest unemployment rate at over 12 percent. Through recovery funds, we have recently implemented Jobs Now Rhode Island, a job training program that in the past 2 months has successfully put more than 300 Rhode Islanders back to work. I recently met with some of these workers at Capco Steel. A couple had been out of work for a few months, while for others this was their first job in a few years. This visit reminded me that as Members of Congress we have the obligation not only to help create jobs, but also to give hardworking Americans another chance to continue their job search and provide for their families.

I encourage my colleagues to pass this bill and help those who are most vulnerable right now during these trying times. We are going to get through this tough economy, but we have to help people with their immediate needs, and unemployment extension does that.

Mr. HASTINGS of Florida. Mr. Speaker, we stand ready to provide those struggling to find work this small reprieve; and Democrats in Congress are also committed to putting forth the necessary effort to create jobs, spur economic growth, and put our country once again on the road to prosperity.

□ 1530

But, in the meantime, we have a responsibility to ensure that those most profoundly affected by these difficult times are able to stay afloat—to feed their families, to keep their homes, and to continue to search for new jobs. We must not play political football with unemployment insurance. It is simply too fundamental to the livelihoods of millions of Americans. Our economy is starting to turn around, and the American people cannot afford to wait another second, let alone 30 hours for the United States Senate to act.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I was hearing my friend across the aisle. He was yelling about things not being paid for when, actually, what happened was, in my first 2 years here, in 2005 and 2006, our friends across the aisle pointed out to voters, These guys are running a $100 billion, $200 billion budget, so elect us, put us in the majority, and we will stop the insane deficit spending. We will make sure every bill is paid for.

So the voters took them up on that. They gave our friends across the aisle, Mr. Speaker, the majority, and said, Okay, you guys say you won't deficit spend like the Republicans had started doing.

The Republicans balanced the budget in the late 1990s, but they got away from it and got giddy when President Bush got elected. So, in January 2007, it was the Democrats' job to do what they had promised the voters they would do. That promise has not been kept.

PAYGO was passed as a rule, but then that promise was not kept. I voted for PAYGO previously but not this last time because I found out it was a joke, that it was not intended to do what it said because, every time a bill comes along that they want to pass, they just do a rule that goes around it. There was no sense in that. This could be easily paid for.

For all of those people whose eyes we look into who have lost their jobs—we see them at job fairs, and we see them around, looking for jobs—we've got to tell them that we have all of these little pet projects that we don't want to give up the money for. So, therefore, you're going to stay out of work because we're not going to let the private sector have the capital they need to create jobs.

Yes, we're going to provide the unemployment benefits. That would be fine. But don't force other people not to

have jobs because we don't create the capital by stopping the insane deficit spending. You hurt people. Yes, you help people by giving them unemployment benefits further, but you hurt people because they can't go get jobs because the jobs can't be created because we won't give up the little pet projects.

Mr. NEAL. Mr. Speaker, I rise today in full support of this emergency legislation that will restore the safety net to millions of American families. Those families have been desperately waiting for this relief since June. Their faith in us had been tested, but today, I am pleased to say we can extend them the help that they need.

My colleagues have heard me speak of the legendary mayor of Boston, James Michael Curley. A truly gifted orator.

Curley spoke with great empathy about the forgotten man, those individuals who for whatever reason have found themselves outside of the mainstream of economic life. He also would suggest that, in simplicity, that the great ally of civilization was a full stomach. And we need to be reminded of that with the grim economic statistics that America is currently witnessing.

Now, also another very pertinent reminder here that I think that we all ought to recall: in October of 2008, in record time this House voted to come to the aid of Wall Street. It didn't take us long, with the Troubled Asset Relief Program, to keep standing many of those institutions that helped create the problem that we find ourselves currently in.

Is that relevant today? There are millions of people across this country who have simply found themselves without work. What does that do to an individual who has spent a career, and after 30 years finds the job is gone? And we treat them as though they are simply a statistic after perhaps they served us in an honorable manner in Vietnam, or currently in Iraq, or Afghanistan, or other theaters around the world?

America's about building community, Mr. Speaker. America's about a place where nobody's to be abandoned and nobody's to be left behind. The great bounty of God's work has been to ensure that most people in America have shelter and food. This opportunity to extend unemployment benefits for the American people ought to meet this moment.

I urge adoption.

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

Mr. HASTINGS of Florida. Mr. Speaker, I urge a ''yes'' vote on the previous question on the same-day rule.

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

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. HASTINGS of Florida. 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 House Resolution 1537 will be followed by 5-minute votes on suspending the rules with regard to H.R. 5566 and House Resolution 1411, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 185, not voting 14, as follows:

[Roll No. 458]

YEAS—233

Ackerman
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
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
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
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
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
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—185

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
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
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves (GA)
Graves (MO)
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Teague
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Capuano
Clarke
Fallin
Hoekstra
King (NY)
Lee (CA)
Mack
Meek (FL)
Melancon
Moran (KS)
Ortiz
Radanovich
Tiahrt
Wamp

□ 1602

Messrs. MANZULLO, TIBERI, CULBERSON, BAIRD, MINNICK, and Ms. MARKEY of Colorado changed their vote from ''yea'' to ''nay.''

Mr. LOEBSACK changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

The SPEAKER pro tempore (Mr. DRIEHAUS). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, as amended, 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 Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 3, not voting 13, as follows:

[Roll No. 459]

YEAS—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
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)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
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)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
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
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Broun (GA)
Graves (GA)
Paul

NOT VOTING—13

Capuano
Clarke
Cleaver
Fallin
Hoekstra
King (NY)
Mack
Meek (FL)
Moran (KS)
Ortiz
Radanovich
Tiahrt
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1612

Mr. JOHNSON of Illinois changed his vote from ''present'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING 111TH FIGHTER WING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1411) honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard, 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 Pennsylvania (Mr. CRITZ) 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 417, noes 0, not voting 15, as follows:

[Roll No. 460]

AYES—417

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
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)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
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—15

Capuano
Clarke
Cleaver
Fallin
Hoekstra
King (NY)
Mack
Meek (FL)
Ortiz
Radanovich
Tiahrt
Wamp

King (IA)	Moore (WI)	Schiff
Kingston	Moran (VA)	Schmidt
Kirk	Murphy (CT)	Schock
Kirkpatrick (AZ)	Murphy (NY)	Schrader
Kissell	Murphy, Patrick	Schwartz
Klein (FL)	Murphy, Tim	Scott (GA)
Kline (MN)	Myrick	Scott (VA)
Kosmas	Nadler (NY)	Sensenbrenner
Kratovil	Napolitano	Serrano
Kucinich	Neal (MA)	Sessions
Lamborn	Neugebauer	Sestak
Lance	Nunes	Shadegg
Langevin	Nye	Shea-Porter
Larsen (WA)	Oberstar	Sherman
Larson (CT)	Obey	Shimkus
Latham	Olson	Shuler
LaTourette	Olver	Shuster
Latta	Owens	Sires
Lee (CA)	Pallone	Skelton
Lee (NY)	Pascrell	Slaughter
Levin	Pastor (AZ)	Smith (NE)
Lewis (CA)	Paul	Smith (NJ)
Lewis (GA)	Paulsen	Smith (TX)
Linder	Payne	Smith (WA)
Lipinski	Pence	Snyder
LoBiondo	Perlmutter	Space
Loebsack	Perriello	Speier
Lofgren, Zoe	Peters	Spratt
Lowey	Peterson	Stark
Lucas	Petri	Stearns
Luetkemeyer	Pingree (ME)	Stupak
Luján	Pitts	Sullivan
Lummis	Platts	Sutton
Lungren, Daniel E.	Poe (TX)	Tanner
	Polis (CO)	Taylor
Lynch	Pomeroy	Teague
Maffei	Posey	Terry
Maloney	Price (GA)	Thompson (CA)
Manzullo	Price (NC)	Thompson (MS)
Marchant	Putnam	Thompson (PA)
Markey (CO)	Quigley	Thornberry
Marshall	Rahall	Tiberi
Matheson	Rangel	Tierney
Matsui	Rehberg	Titus
McCarthy (CA)	Reichert	Tonko
McCarthy (NY)	Reyes	Towns
McCaul	Richardson	Tsongas
McClintock	Rodriguez	Turner
McCollum	Roe (TN)	Upton
McCotter	Rogers (AL)	Van Hollen
McDermott	Rogers (KY)	Velázquez
McGovern	Rogers (MI)	Visclosky
McHenry	Rohrabacher	Walden
McIntyre	Rooney	Walz
McKeon	Ros-Lehtinen	Wasserman Schultz
McMahon	Roskam	
McMorris Rodgers	Ross	Waters
	Rothman (NJ)	Watt
McNerney	Roybal-Allard	Waxman
Meeks (NY)	Royce	Weiner
Melancon	Ruppersberger	Welch
Mica	Rush	Westmoreland
Michaud	Ryan (OH)	Whitfield
Miller (FL)	Ryan (WI)	Wilson (OH)
Miller (MI)	Salazar	Wilson (SC)
Miller (NC)	Sánchez, Linda T.	Wittman
Miller, Gary		Wolf
Miller, George	Sanchez, Loretta	Woolsey
Minnick	Sarbanes	Wu
Mitchell	Scalise	Yarmuth
Mollohan	Schakowsky	Young (AK)
Moore (KS)	Schauer	Young (FL)

NOT VOTING—15

Buyer	Mack	Radanovich
Capuano	Markey (MA)	Simpson
Fallin	Meek (FL)	Tiahrt
Hoekstra	Moran (KS)	Wamp
King (NY)	Ortiz	Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1621

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.

MAU PIAILUG

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

Mr. SABLAN. Mr. Speaker, before there was GPS, before there were compasses, the people of the Pacific navigated over thousands of miles of open ocean, including Hawaii and Samoa and Tahiti and New Zealand and hundreds of tiny islands and atolls in between. Yet in our lifetime, this ancient knowledge of navigation was all but lost until one man on the island of Satawal, who may have been the sole remaining practitioner, made it his mission to spread the Pacific art of navigation once again from island to island and keep it alive.

Mau Piailug succeeded in preserving thousands of years of accumulated understanding of how to sail using the stars and the rhythm, taste, and temperature of the oceans. He trained others to distinguish each region of the sea by the life it harbors, when to the untrained eye these ocean reaches seem uniform, even empty of life. He reawakened pride in the unimaginable competence and courage of our ancestors, who over the course of so many generations populated the Pacific.

Mau Piailug died on his home island of Satawal yesterday. As a fellow Pacific Islander, I thank him for all he gave us. I wish him well on his final journey.

I rise to pay special tribute to the life of a remarkable man, a hero of the Micronesian Islands and the entire Pacific, Master Navigator Pius Mau Piailug.

Piailug was the best-known modern practitioner of the ancient art of navigating over thousands of miles of ocean without the need for maps or instruments. He died on July 18.

Pius Mau Piailug began life on the atoll island of Satawal, one of the outer islands of Yap in the Federated States of Micronesia. His grandfather first began training Mau in the traditional arts of navigation. He fashioned his grandson a star chart of palm and coral and sat with him to watch the stars traverse the sky each night, learning their paths and the times they rose and fell on the horizon. As he grew, Mau was allowed to spend time in the canoe house with other elders, who taught him about the many signs needed to sail the sea. He learned to read the rhythm and temperature of the waves, to understand the significance of the flight of birds, to know where he was in the ocean by the kinds of sea life to be found there. And when he had learned all that he could from the canoe house elders, Mau was sent to a master navigator, a ''Paliuw,'' who lived on a nearby island, to complete his education. Finally, at the age of 18, Mau was christened a master navigator in the Weriyeng School of Navigation during a sacred ceremony called ''Pwo.''

Throughout his adult life, Mau Piailug honed his mastery of the ocean navigation and knowledge of the seas, sailing his canoe and living his life in the traditional way. He could see, though, that life in Satawal and across Micronesia was changing. Children were relying more on books and schools for their education rather than learning from their elders as they always had. Children were no longer interested in learning about navigation. The Pwo ceremony was no longer celebrated, because no new navigators were being trained. On islands across the Pacific, the old navigators were dying without passing on their knowledge. Piailug started to fear that that this would also happen on his home of Satawal.

It happened, however, that a group of men in Hawaii had also sensed that that ancient arts of the sea were in danger. So, they determined to build a traditional double-hulled, ocean-going canoe and retrace the voyages of their ancestors. For that, they would need a navigator, however; and no one in Hawai'i still had this skill. Thus, it was that Mau Piailug became master navigator of Hokule'a on its maiden voyage from Hawai'i to Tahiti. And that thirty-three day sail, proving that the ancient technologies of ship craft and navigation persisted, ignited a fervor for the old ways and a new pride in the Micronesian and Polynesian cultures that has revitalized voyaging, canoe building, and non-instrument navigation throughout the Pacific.

The voyage of Hokule'a was just a beginning. In the years that followed, Mau began to pass on his knowledge of navigation. He took numerous others on voyages throughout the Pacific. He sailed from the Hawaiian Islands to the Northern Mariana Islands, a feat no one known had ever before been known to accomplish. He made frequent trips sailing from Yap to the shores of Tanapag Village on the island of Saipan, where he had relatives.

Piailug felt compelled to pass on what he had received, and he gave freely the gift of his ancestors. He taught all who would listen, and peoples all over the Pacific began building canoes and rediscovering their past. With much determination and patience, Mau Piailug created a new generation of navigators.

Now Pius Mau Piailug has embarked on his last voyage.

I call upon my colleagues to join me in honoring this master of navigation, this mentor of navigators.

CELEBRATING 200 YEARS OF HISTORY IN McALISTERVILLE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the first week in August there will be a celebration of 200 years of history in the small community of McAlisterville in Fayette Township, Pennsylvania.

Author Tim Varner offers hope that the bicentennial will rekindle a spirit of community and give people an opportunity to relive a time of less haste and stress. According to the Fayette Sentinel, the celebration will include re-enactors and a blacksmith shop that will recall a simpler time

Hugh McAlister purchased a 160-acre plot of land and in 1810 asked his son William to lay out a plot for the township. Soon shops, a blacksmith, and a tannery filled out the plot.

In 1855, the town built the Lost Creek Valley Academy to train teachers. Professor George McFarland purchased it in 1858, but by 1862, Lincoln had issued

a call for more troops in the Civil War, and McFarland responded along with a number of academy teachers. McFarland served at Chancellorsville and was injured at Gettysburg.

The academy became a home for the orphans of deceased soldiers and sailors and continued until 1899. The site remains a historic place for the town.

This celebration honors a community, and I congratulate the townsfolk for commemorating their history and building their future.

SITE SELECTION MAGAZINE AWARDS

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

Mr. BOCCIERI. Mr. Speaker, today I rise in recognition of two great cities of Wooster and Medina in Ohio who are working hard to bring jobs to my northeastern Ohio district.

The national Site Selection magazine recently announced its annual rankings of States with the most business friendly atmosphere. This year, the city of Wooster finished second in the country among cities between 10,000 and 50,000 people for attracting business development.

The magazine also highlighted efforts of the Sandridge Food Corporation in Medina to create jobs through a recent $6.2 million expansion for machinery and equipment, as well as to make additions and expansions to their building. That effort is expected to create between 50 and nearly 330 jobs.

The honors speak to the ingenuity of both cities and their commitment to growth in tough economic times.

I commend the efforts of Wooster Mayor Bob Breneman and Mayor Dennis Hanwell in Medina for their efforts to bring jobs to our district. The teamwork of local elected officials, local leaders, and employers paved the way for economic growth and job creation.

These are not easy times, but this news proves that the American spirit is alive and well in Ohio. With the right plan, leadership, and perseverance, we can overcome these tough economic times together.

LOOKING BEHIND THE CURTAIN OF THE NATIONAL MEDIA

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

Mr. SMITH of Texas. Mr. Speaker, Americans are getting a look behind the curtain of the national media, and the view isn't pretty. In recent weeks, leaked email messages from an online meeting place for reporters called JournoList have revealed some journalists' true colors.

It has come to light that in 2008 a group of journalists tried to protect then-Senator Barack Obama from a scandal that threatened his Presidential campaign, according to messages obtained by The Daily Caller. Journalists from Time, Politico, The Baltimore Sun, and The New Republic, among others, expressed outrage about questions regarding Reverend Jeremiah Wright that Senator Obama received during a debate. The journalists then collaborated to shield Senator Obama from the controversy, The Daily Caller reported.

It's no wonder a recent poll found that two-thirds of Americans say they are ''angry'' at the national media. The national media should give Americans the facts, not try to rig an election.

□ 1630

RECOGNIZING AUTISTIC ADULTS AND ENCOURAGING AUTISM AWARENESS

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

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in solidarity with families throughout my community in south Florida who have an autistic adult. There are many challenges faced by families with autistic adults. Regardless of any challenge, however, families are often the strongest support unit that an autistic adult will ever know.

Autism impairs social interactions and communication skills with others. Parents of autistic children always worry about the difficult transition into adulthood. While some autistic children will grow up to function in society, others will need some level of professional help throughout their lives.

As anyone with an autistic family member knows, early detection can make a positive difference in managing and understanding this serious disorder. We must continue to encourage autism awareness and make every effort to fight this devastating disorder by finding a cure through better research.

HONORING NEW YORK STATE SENATOR THOMAS P. MORAHAN

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

Mr. ENGEL. Mr. Speaker, I rise today to mourn the death of a good friend of mine, Senator Thomas P. Morahan of Rockland and Orange Counties in New York.

Senator Morahan and I served together in the New York State Assembly back in 1980. He was elected to the State senate in a special election in 1999. He is well-known as someone who really cares and cared about people. As a Republican, and obviously I am a Democrat, he and I reached across the aisle many, many times to work very hard on legislation that was important to the constituents whom we served.

I have been pleased for many years to call Tom a friend. At the church on Saturday at his mass, there was an outpouring of people from the community and community leaders and political leaders, government leaders to show the affection that we all felt for Tom.

Tom did wonderful work with veterans and mental health and people with disabilities, made the lives of countless New Yorkers better. If there's one or two words with which I can describe Tom Morahan, it would just be a wonderful, wonderful friend, a wonderful gentleman, a good friend, and we will certainly miss him.

He was the kind of person that is the epitome of what public service should be, and I want to pay tribute to my good friend, Senator Thomas Morahan. May he rest in peace.

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.

MOMS FOR THE 21ST CENTURY ACT

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

Ms. ROYBAL-ALLARD. Mr. Speaker, each year over 4 million women give birth in the United States. Their care and that of their babies is a leading cause of hospitalization in this country and a major factor in our Nation's escalating health care costs. Yet, in spite of the fact we spend more than any country in the world on maternity care and more on mother and baby fees for childbirth than other types of hospital care, the United States ranks far behind nearly all developed countries in perinatal outcomes, and childbirth continues to present significant risks for mothers and babies, particularly in communities of color.

There are many factors that contribute to these poor outcomes and high costs. The most disturbing is that our current health system fails to follow the vast body of research on the best evidence-based practices in maternity care. The result is a widespread overuse of expensive maternity practices, such as Cesarean sections and scheduled inductions, which only in limited situations are needed and beneficial. When used routinely and without medical necessity, these and other practices expose women and infants to unnecessary risk and are a major factor in pregnancy and delivery being our most costly Medicaid expenditure.

Credible research tells us noninvasive, cost-effective, evidence-based maternity practices which result in safer and healthier outcomes for mother and baby are significantly underused in our country.

To address these concerns, I am introducing the Maximizing Optimal Maternity Services for the 21st Century

Act. The MOMS for the 21st Century Act expands Federal research on maternity practices and ensures the healthiest of maternity outcomes, and it authorizes a scientifically based media campaign to educate the public about those practices. In addition, the bill creates a national focus on maternity care by establishing an interagency coordinating committee to promote optimal outcomes for mothers and babies.

To help address serious health disparities in maternity care outcome, the MOMS for the 21st Century Act directs the collection of data to determine the areas in our country which lack adequate access to maternity care providers. It also directs the Secretary of HHS to support the education of a more culturally and geographically diverse interdisciplinary workforce by convening a maternity curriculum commission to develop core curricula across maternity professional disciplines, establishing loan repayment programs for providers in maternity care shortage areas and by authorizing grant programs for maternity professional organizations to recruit and retain minority providers.

Mr. Speaker, as Lee Jong-wook, former Deputy General of the World Health Organization once said, ''Mothers, the newborn, and children represent the well-being of a society and its potential for the future. Their health needs cannot be left unmet without harming the whole of society.''

Mr. Speaker, there is no doubt the future of our country depends on the health and well-being of our mothers and their children. I urge my colleagues to make evidence-based maternity care a national priority by cosponsoring and helping to pass the MOMS for the 21st Century Act.

BAND PLAYS ON

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. Mr. Speaker, the band continues to play the same song, third or fourth verse, and that is the song of nuclear weapons in Iran.

Now, is there anyone in the House of Representatives, Democratic, Republican, who believes that Iran has stopped its development of nuclear weapons? I think not. Is there anyone in this world who thinks that Iran has stopped its development of nuclear weapons? I think not.

You know, they used the philosophy and the politics of delay, of promise, of hope to tell the world that really they are not really interested in nuclear weapons. Meanwhile, the band continues to play the song of nuclear weapons coming from the desert and the tiny tyrant of the desert, Ahmadinejad.

He is bent on the destruction of, first, Israel and then the West, and he is primarily concerned right now with destroying opposition in his own country. After all, he is an illegitimate officeholder and President of Iran. He rigged the elections, and so he took control. He killed his own people in the streets, and, Mr. Speaker, he is still at war with the Iranian people, those good folks in Iran who want to control their destiny and don't want it controlled by their dictator, the little tyrant in the desert.

We as a Nation and as a world need to support the people of Iran to change their regime. Our quarrel is not with the people of Iran. Our quarrel is with the tiny tyrant in the desert who wants the nuclear destruction of Israel and the West.

□ 1640

And he has continued his attack on his own people in Camp Ashraf. Those Iranian folks that are in Camp Ashraf in Iraq that we as a Nation have promised to protect but because of our agreement with the Iraqi Government, Camp Grizzly, that organization or that camp we have in Iraq to protect the Iranians in Camp Ashraf, we have abandoned that Camp Grizzly. The United Nations assistance team has also left.

So who is in charge of protecting the Iranians in Iraq? Certainly not the Iranian Government. They want them destroyed. After all, it was about a year ago when they encouraged the Iraqi Government to go into Camp Ashraf and they did. They killed 11 Iranians; 500 others were wounded. And now we hear media talk that the Iranian Government is working with the Iraqi Government to present warrants of arrest so the Iraqi Government will go back into Camp Ashraf and arrest those prodemocracy Iranians that want to remove Ahmadinejad. We cannot allow that to happen. We must protect the people, the citizens of Camp Ashraf. It is our obligation, our moral duty as a Nation and as a world to make sure those dissidents remain protected and free.

It is important to the world that we as a Nation understand the importance of Israel as our ally. Israel is surrounded by its enemies; it's surrounded by Hamas to the south, Hezbollah to the north. And you know what, Mr. Speaker? Iran is supplying weapons and money to Hezbollah in the north, Hamas in the south. You see, the little rogue dictator, the tiny tyrant of the desert, Ahmadinejad, is trying to have insurrection in Israel as well as in his own country.

So, Mr. Speaker, the great hope for Iran, the great hope for the world is a regime change in Iran. And we need to be vigilant and supportive and watchful and make sure that we help in any way we can, at least verbally and politically, to support the good people of Iran to take control of their own country, to get rid of this illegitimate dictator that's trying to destroy not only Israel and the West, but his own country for some unfortunate reason.

Mr. Speaker, regime change is the answer. A nuclear Iran is not a nuclear option.

And that's just the way it is.

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

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

AFGHANISTAN

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

Mr. JONES. Mr. Speaker, I have a poster beside me of a handsome couple. It's Marine Sergeant Tom Bagosy and his wife, Katie. I would like to read from an article:

''Marine Sgt. Tom Bagosy stepped out of his black GMC Sierra pickup and onto the gray speckled pavement of McHugh Boulevard, a busy thoroughfare in the heart of Camp Lejeune, North Carolina. He held a pistol in his right hand. The military police car that had pulled him over idled on the shoulder a safe distance behind him. The midday traffic stopped. Bagosy stood for a moment on the warm pavement under a cloudless May sky. Then he raised the pistol, pointed it to the right side of his throat just below his jaw, and pulled the trigger. The bullet sliced through his jugular vain, traveled through his skull, and exited near the top left side of his head. He crumpled down in the road. Even if the bullet had failed to rip through his brain, shooting through the jugular was solid insurance. He would have bled out in minutes anyway.

''Bagosy, 25, who had served in Iraq and Afghanistan, had become another statistic in the war-fatigued military and its steadily escalating suicide rate. Last year, 52 marines committed suicide.''

Mr. Speaker, I bring this to the floor because I don't know what we're trying to accomplish in Afghanistan. The experts say they can identify about 50 al Qaeda. Yes, we know al Qaeda is in other parts of Afghanistan, of the 50, then Pakistan, Yemen, Somalia, and other countries. And yet Tom Bagosy is like so many in our military who are willing to go time after time, time after time. But they also are human beings that break down as well as get tired. And the families—Katie is now the mother to two children without her husband, Tom.

Mr. Speaker, the tragedy of war goes on and on and on, and yet we have no endpoint in Afghanistan. We just keep sending the troops back and back and back and back. Just recently we had a debate on the floor of the House and we tried to debate what is the endpoint to the strategy. I'm not a military man, Mr. Speaker, but I've talked to many,

all ranks, and I've been told if you don't have an endpoint to a strategy, you have no strategy.

I hope Mr. Obama will keep his word and start in June of 2011 to downsize the military in Afghanistan because, Mr. Speaker, it breaks my heart to stand on the floor and to show a beautiful young couple, and yet the husband was worn out and tired. In fact, the title of the article says, ''A predictable suicide at Camp Lejeune: A doctor warned that mental health care for violent, disturbed marines was inadequate. Sgt. Tom Bagosy proved it.''

Mr. Speaker, I have the privilege of representing Camp Lejeune and Cherry Point and Seymour Johnson Air Force base, and what I would like to continue to say before I close is we thank you in the military and your families. You have done a magnificent job for this country. But those of us who make policy, Mr. Speaker, we need to understand and develop and demand an endpoint to the strategy because it's not fair and it's not right to wear out our military and its equipment.

So, Mr. Speaker, as I do and have many times, I will close this way: I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I will ask God to please bless the House and Senate, that we will do what is right in the eyes of God for this country, including our military. And I will ask God to please bless the President of the United States, Mr. Obama; give him wisdom and strength to do what is right in the eyes of God for his people. And three times I will ask, God, please, God, please, God, please continue to bless America.

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

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

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.)

BP'S RESPONSIBILITY TO SOUTH FLORIDA COMMUNITIES CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, last week, as we know, BP announced that it had capped the oil well, and that for the first time in more than 80 days oil had stopped gushing intot he Gulf of Mexico. While last week's announcement was cause for relief among many, I have since urged cautious optimism. Much work remains to be done to address the worst environmental disaster that this country has seen in recent memory.

BP is still responsible for ensuring that every last drop of oil is removed from the gulf. BP still has a financial responsibility to those residents in the gulf coast, particularly in my congressional district of the Florida Keys, who remain financially devastated from the public perception, however false it may be, of tar ball-covered beaches and oil-soaked fish.

Despite promises of improvement, however, the BP claims process has not improved. I support legislation introduced by my friend, Congressman CHARLIE MELANCON, to tax-exempt BP claims checks. It is the least we can do for those small business owners who continue to suffer to this day, mom and pop fishing charters. They must provide years' worth of financial data in order to prove the possibility of economic injury as a result of the spill.

□ 1650

Of course, this data does not truly explain the current hardship. For years, Keys fishermen have struggled with hurricanes, tropical storms, unnecessary fishing closures, and a sluggish tourist economy. This year, 2010, was supposed to represent the light at the end of the tunnel. Unfortunately, the gulf oil spill has dashed those hopes. Charter boat captains in the Keys have lost more than half of their businesses this summer due to the oil spill perception.

My constituent, an Islamorada charter boat captain, Larry Wren, was denied financial compensation by BP. Captain Wren provided all the necessary tax documents, proof of cancellations, and even his trip logs from the past few years. After being informed that he was eligible for assistance, BP claims officials have reversed their position. BP says it will no longer pay the claim because oil has yet to reach the Florida Keys' shoreline, if it ever will.

I say shame on BP. BP must be held to task. The company's responsibility to all financially impacted gulf coast residents and businesses will not go away once the relief well is completed.

Now, earlier today, I voted on legislation to increase Federal research on the potential hazards posed by technologies used to counter the oil spill. I have long voiced my concerns about the use of chemical dispersants in such a sensitive marine ecosystem. BP contends that the chemical it is using to break down the oil is safe, but the fact remains that this dispersant has never been used in such vast quantities.

Keys commercial fishermen, whose season kicks off later this year, are also concerned about the long-term consequences of dispersants on the overall health of the fishery. Members of the environmental community are also worried about the potential harm caused by these chemicals on our already fragile coral reefs.

As BP works toward a permanent fix to the leak in the Gulf of Mexico, it is essential that Congress and all Federal agencies continue to place pressure on this oil giant to address both the environmental and the financial aspects of this disaster.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

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

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

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

SAVING THE ICONIC AMERICAN MANUFACTURERS, THE AUTO DEALERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, about a year ago, both General Motors and Chrysler went through a government orchestrated bankruptcy in an effort to save these iconic American manufacturers. I firmly believe that the survival of these companies was then and is today vital to our national economy as well as to our national security.

While I am very thankful that these companies are coming back strong, I do have serious questions over steps that were taken, most importantly, the shuttering of thousands of car dealerships across the Nation and the elimination of countless jobs that were produced in those auto dealerships. I didn't understand, when these bankruptcies were moving forward, how the elimination of thousands of dealerships, who are really the customers of the auto companies, would help to provide any savings to the bottom line for General Motors or Chrysler. I also did not understand how the arbitrary elimination of thousands of profitable small businesses and the elimination of tens of thousands of good-paying American jobs were in the best interest of our Nation or in line with the stated desire of this administration to protect and to create jobs.

Based on a recent report that was just released this past Sunday, it seems now that the inspector general of the TARP program, the Troubled Asset Relief Program, is also asking these same

questions, Mr. Speaker. That report found that the Department of Treasury did not show why the elimination of dealers was either necessary for the sake of a company's economic survival or prudent for the Nation's economic recovery.

The report went on to say that Treasury made a series of decisions that—and they say—may have substantially contributed to the accelerated shuttering of thousands of small businesses, and that those decisions resulted in adding tens of thousands of workers to already lengthy unemployment rolls, all based on a theory and without sufficient consideration of the decision's broader economic impact.

These findings seem to back up what many of us were saying at that time, Mr. Speaker. The elimination of customers for the auto companies is counterintuitive to the financial well-being of these companies, and the government's aiding and abetting the elimination of tens of thousands of jobs—of good jobs—is certainly abhorrent at any time but particularly at a time of economic difficulty when such jobs are already in very, very short supply.

Fortunately, Congress took action that required an arbitration process for dealers, which has led now to the reinstatement of over 700 auto dealerships, but this is very little consolation to the tens of thousands of workers who have lost their jobs or to the communities that have lost very good taxpayers and excellent corporate citizens.

These types of outcomes also further erode the confidence of the American people in the idea that Federal intervention in our economy will bring about positive results. Because of the actions taken last year by this administration, thousands and thousands of our fellow Americans are today searching for jobs. American citizens are being victimized by an inept Federal Government plan that went wrong.

This administration needs to understand that the American people do not want further Federal intervention into our economy. They simply want the government to get out of the way and to allow the entrepreneurial spirit of this Nation to, once again, take flight and to lead us back to prosperity.

As President Ronald Reagan said so well 30 years ago, ''Big government is not the solution to our problems, it is the problem.''

It is long past time for this administration and this Congress to focus like a laser on how we create jobs instead of devising plans that actually destroy jobs, Mr. Speaker. Too many American auto dealers and the workers who lost their jobs have paid a very dear price as a result of this administration's actions. Let us be determined now that we in Congress will conduct our proper oversight responsibilities to get to the bottom of how this happened and to make sure that it never happens again. American auto dealers, Mr. Speaker, deserve no less from this Congress.

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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the 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 Georgia (Mr. GRAVES) is recognized for 5 minutes.

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

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

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

MANUFACTURING

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

Mr. GARAMENDI. Mr. Speaker, thank you very much.

I want to spend this evening talking about manufacturing. Manufacturing matters. It is the foundation of any solid economy. It is the one part of the American economy that is seriously hurting, and with the great recession, the manufacturing sector in America has even further weakened.

I would like to start this discussion with just a quick review of what has happened with regard to jobs over the last 3 years.

If you will look here on this diagram, you will notice that, beginning in 2007, jobs in America slowed down and began to decline, so much so that, between 2007 and November of 2009, some 700,000 jobs a month were being lost in the fall and into the early winter of 2009.

When the Obama administration came in, it was at the lowest possible point of some nearly 800,000 jobs lost in December and January. As the administration came in, very strong action was taken—the American Recovery and Reinvestment Act in February, which was an effort to move the economy and to put people back to work.

□ 1700

It was a major tax cut in that. The largest middle class tax cut ever was part of that. There was an effort to build roads and streets and infrastructure, and money was sent to school districts to continue to employ teachers and to stabilize the American economy. It worked. It worked, and slowly we saw a decline in the number of jobs that were lost. We didn't see an immediate growth in jobs. It didn't happen.

It takes a long time to recover from a very serious recession, in fact, the worst recession since the 1930s. But over the months that followed, each month, improvement, improvement, improvement, so that this year we're beginning to see the effects of the efforts of the Democratic Congress, some Senate help, and the President in turning around the economy, so that in 2010, in the most recent months, we're beginning to see job growth. In fact, we've added nearly 600,000 jobs this year. No longer a decline; stabilization and now job growth.

So with this background, we can begin to understand the efforts that are being made here in Congress by the Democratic Party and by the President.

An historic piece of legislation was signed today that deals with the underlying collapse and the reasons for the collapse of the American economy and, indeed, the economy of the entire world. Today, around 11:30 today, President Obama signed the Wall Street Reform and Consumer Protection Act, a very important law—clearly, the most important financial regulation law since the 1930s—designed specifically to deal with the underlying problems that led to the collapse of Wall Street. Many parts of it, the kinds of excesses and gambling with our money that took place are going to be history. They're not going to be allowed under the new law. A consumer protection agency has been put in place to provide consumers with a place to go with their complaint and to protect them.

Now, I know about this. I did this for two terms as the insurance commissioner in California. I know the importance of a consumer protection agency. We will soon have such an agency in the United States to help us, as consumers, to make sure that those mortgages are no longer subprime and hidden costs with hidden resets. All of that is in law now, as a result of what this Democratic Caucus did, and with the help of just three Republicans over in the Senate passing the Wall Street Reform and Consumer Protection Act.

Now, what has been done is good, and I'll talk about some other bills as we go through this afternoon, but I want also to make it clear that it is not enough.

Manufacturing matters. We need to rebuild the manufacturing base of America. We need to make it in America, and we can. I don't think there's a person on this floor that doesn't want to walk into a Target store and find ''Made in America'' labels on everything. We're not going to get there immediately, but we can sure get there much, much faster if we pass the correct laws.

Joining me today in this discussion are several of my colleagues from around the Nation who are going to tell their story and what's happening in their community. I'd like to start on the far east coast. Now, I'm a west coast person. I'm from California, but there is another side to the continent. They'd like to say it's the right side, and sometimes they call California the left side.

But my colleague from the great State of Pennsylvania would like to inform us about what's going on in Pennsylvania and, more specifically, in the Philadelphia area.

I yield to the gentleman.

Mr. FATTAH. I want to thank our leader on this effort of focusing in on what really matters economically in our country, which is manufacturing-based jobs. You know, in Philadelphia we have some 1,300 manufacturers, and in your package of bills that I'm very happy to be a cosponsor of, you focus in on a number of issues: closing foreign tax loopholes, dealing with the question of mass transit, bus, rail, and also energy systems.

The SPEAKER pro tempore. The gentleman will suspend.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1264, MULTIPLE PERIL INSURANCE ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111–555) on the resolution (H. Res. 1549) providing for consideration of the bill (H.R. 1264) to amend the National Flood Insurance Act of 1968 to provide for the National Flood Insurance Program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MANUFACTURING—Continued

The SPEAKER pro tempore. The gentleman from Pennsylvania may proceed.

Mr. FATTAH. We always want to have due deference to our colleagues on the Rules Committee because they rule over all of us.

But I want to focus in on Philadelphia. We have some 1,300 manufacturers. The average wages earned by people working for manufacturers in the Philadelphia area is well over $45,000 annually. It is a major source of where our future economic growth is going to come from.

And the gentleman from California, who has dedicated a great deal of his life on economic development, really understands that at the end of the day the only way to really build wealth in our Nation is that we have to be making products, that we can't be a consumer-driven economy and expect to continue to have a high quality of life for ourselves and for our families and for our children and grandchildren.

In Philadelphia, we're making everything from Peanut Chews, which are the best candy bars in the world, to saltwater fishing reels, which are the world class among fishermen and -women throughout the world. We're making railcars. We're making railcars and we're making upholstery for railcars. We have manufacturers that are engaged in making bicycles. I mean, you run through the gamut and you will see.

Now, people, when they first think about our city, they say, well, you lost a couple hundred thousand manufacturing jobs over the last 30 years. That's true. And when you saw the old Stetson hat factories, and some of the old factories have closed down, but there's a new group of manufacturers who have stepped into the void. And some of them who have been around for a while have even improved their technology in ways that make them very competitive.

Ten percent of our manufacturing jobs are at one company in Philadelphia called CARDONE Industries. I've visited there, and it's an amazing thing. We have a strong immigrant community; 22 different languages spoken on the plant floor. They have over 3,000 employees, and they are making refurbished or reengineered car parts. And they only have one competitor, in Mexico, but they are doing a yeoman's job. They have a prayer service at the beginning of the day where they have chaplains and religious leaders in the different religions, and they have a prayer before they go to work. But they are dedicated to producing world-class products, and they do a great job.

So I want to get to the point here, which is that, as Members of Congress, we have a responsibility, a duty, to create a glide path in which our manufacturers can rise to the point where they can, again, make the best products in the world, compete fairly across the globe.

We only have 1 percent of our businesses in this country export. And of that, 58 percent of them export with only one other trading partner anywhere in the world. But we know that just as we see these containers unloading products coming in here, that we can be putting products in those container vessels, sending them to other parts of the world. But we have to have a fair trading system.

But first and foremost, charity begins at home. We have to build the things that we need to be able to purchase in our own economy. And so, whether they are household appliances, whether they're cars or mass transit vehicles, we have to build the capacity to reengineer our manufacturing sector and also give them the kind of assistance they need from a policy standpoint.

And it's amazing to me that as we have started to grapple with this issue of rebuilding this economy and turning this around, the President has done an extraordinary job, and his economic team, an extraordinary job.

Here in the House, with this focus on manufacturing, we've already, as was the case today, started to move legislative initiatives that are, both as a symbol and substance, providing real messaging to manufacturers here in our country that they're going to get the support that they need, that they're going to get the help that they need, and that, as a Democratic majority, we understand that there is no way possible for us to have the American economy that we want without manufacturing, without manufacturing at the heart and center of it.

Technology is great. Information is great. But we need to have a system in our country that respects the fact that when we make things with our hands, when we make the finest products in the world, that we'll have a market here at home, we'll have a market across the world, and we'll be in a position to have an economy that generates the jobs that we need and the incomes we need to raise our families on.

I want to thank the gentleman for his leadership, thank him for what he is doing. Even if he is from California, he obviously is a person who has been called for a time like this.

□ 1710

In my church they say that God always provides us people for a time like this. These are difficult days, but I believe that, rather than curse the darkness, we have a gentleman now who is lighting a candle through this legislative vehicle. I want to stand with him and we're going to get these things passed into law.

Mr. GARAMENDI. The gentleman is getting carried away. Let me just cut you off and say that there is no candle that I've lit that was not already lit by the Democratic Caucus. I came here just 8 months ago and much of this work was under way.

You did mention something that caught my attention, and that is that in Philadelphia there is a rail car manufacturer.

Mr. FATTAH. That's correct.

Mr. GARAMENDI. Under the present laws of the United States, the Department of Transportation has the opportunity to use our tax money to purchase rail cars made in Philadelphia, or buses made in California or in the Midwest, but they don't often do it. Instead, they use one of four waivers that are in the law that allows our tax money to be spent on things that are manufactured—buses, trains, light rail, subway cars—manufactured overseas

and imported. Our tax money is going overseas. And I'm going, no way, no how.

So what you and I and others are working on is to eliminate three of those waivers and simply say, ''No, no, no, no, no. If it's our tax money, we're going to use it to buy rail cars manufactured in Philadelphia.''

Mr. FATTAH. That is why I'm a cosponsor of your legislation, H.R. 5791, because it addressed directly this point. I was at the ribbon cutting and grand opening for this company with the Governor and with my colleague, Congressman BRADY, whose district this is in. It's actually at the Philadelphia Navy Yard, which has been transformed from a naval shipyard to a manufacturing and economic development base; tens of thousands of jobs there. We're making those cars and we want to sell them all over the United States of America.

Mr. GARAMENDI. Let's do it and then we can export them, too.

I notice next to you the gentlewoman from the great State of Ohio. She is determined to change from the Rust Belt to the Future Belt. Congresswoman BETTY SUTTON is joining us. You are right smack in the middle of what once was the greatest industrial section anywhere in the world. Please share with us your experiences and your hopes and where you think we ought to be going.

Ms. SUTTON. Thank you. And thank you for having this hour tonight to talk about jobs and manufacturing and how we can make it in America. I appreciate the gentleman from California's leadership and, of course, our friend from Pennsylvania joining us here tonight as well.

Manufacturing is the backbone of a strong economy, it's the backbone of this country, and it's long past the time in my view that we stand up for U.S. manufacturing. Now I am proud to say that I'm a product of a manufacturing household. When I grew up it was a time when people could have a good job in manufacturing, put food on the table, cover health care costs and supply a pension. But we have seen obviously a lot of loss of good manufacturing jobs due to a number of things, but including unfair trade practices and policies that put our companies and our workers at a disadvantage.

As we work together to pass this initiative that is multifaceted in its approach, there are many things we need to do to level that playing field and invest in many ways in our manufacturing sector so that we can again make things and create real value.

We just saw an economic collapse in this country and it is all too vivid in our minds. A lot of that, that wealth that we thought was out there, was actually created by people moving money around. There was a lot of smoke and mirrors going on, and when the room cleared up, the American people were smashed under the results.

When you make things, you create real value. We are embarking. We've been in this mode, but now we're really racheting up the attention to U.S. manufacturing. It's a welcome, welcome train that we're moving here.

We've got to encourage innovation. We hear a lot about innovation. We need to create a level playing field, as I said, for U.S. manufacturers. We have to improve our U.S. infrastructure with iron and steel and products produced right here in the United States. That's what the American people expect us to use when their dollars are being used. We also, of course, have to help our labor pool. We need to strengthen our training and education and coordinate our efforts, because we are in this together, and we will make it in America.

Today we passed a couple of bills, I am happy to report, out of the Energy and Commerce Committee consistent with our goals, to make it in America. One of them calls for a national manufacturing strategy. Now that's a pretty good idea, don't you think? Since it is a multifaceted task and mission that we're on, it makes a lot of sense to plan out our actions and make sure we have our policies in order so that they work together and that they work for and with our businesses and our workers. The National Manufacturing Strategy Act of 2010 was passed out of the Energy and Commerce Committee and hopefully on its way to the House floor so we can vote on it in the near future.

Another bill was passed out of the Energy and Commerce Committee today and it was a bill that I sponsored called the Foreign Manufacturers Legal Accountability Act of 2010. This bill deals with products that are manufactured in foreign countries, sold into our marketplace, and then if they injure our consumers, we don't have a right of redress really for them to deal with that. Every year countless Americans are injured, sometimes fatally, by dangerous products that have been manufactured abroad and imported into the U.S. Some of the examples we're all well aware of—the toxic drywall and faulty infant cribs, lead paint in toys, defective tires.

These products not only hurt consumers, but they also hurt American businesses, because when our businesses put manufactured products out there, they have to comply with safety standards that we expect for our consumers. Yet it's very difficult for injured parties to hold foreign manufacturers accountable because they can't serve process, they don't have jurisdiction over them, and as a result our consumers and businesses are forced to engage in cost prohibitive and consuming international legal battles. What is more is, the fact of avoiding all of those issues, producing things in foreign countries, allows them to undercut our U.S. manufacturing; and it's not fair.

This is a bill about fairness. It's about accountability. It will improve the safety of products that come into our marketplace. And it will allow our manufacturers to compete on a level playing field.

We're on our way. I thank the gentleman for the three bills that he has pending on manufacturing and I look forward to this mission to revitalize the strength of our Nation, the backbone of our Nation, manufacturing.

Mr. GARAMENDI. I thank the gentlewoman from Ohio for bringing to us the perspective of things that we have yet to do; the idea of a strategy. You mentioned several pieces of that strategy, one of which the Democrats in this House have already done, the Senate voted for it, it's been signed into law, and it happens to deal with education.

We know that if you're going to have a manufacturing strategy where you compete in the worldwide market, you need a well-educated workforce. And so the Student Aid and Financial Responsibility Act was passed here several months ago, was approved over in the Senate, and the President has signed it.

□ 1720

One very interesting fact about the way that bill passed this House. It passed without one Republican vote. Every Republican voted ''no'' or didn't vote at all. Only the Democrats voted to increase the Pell Grants to make it possible for students to enter college, to enter the community colleges. You can't have a first class manufacturing industry unless you have a well-educated workforce, which means education. And that's what we did. It's now the law. Every student and wannabe student across this Nation now has access to that additional money.

Mr. FATTAH. Under that program, these community colleges, and we have seen it all across the country, can do customized job training to help local manufacturers develop classes where they will come out and train, at the work site or at the community college, specific skills related to the manufacturing processes that are going to be used there. So you are absolutely right.

I was here in the Clinton years. When the Clinton economic plan was passed, not one Republican voted for it, not in the House, not in the Senate. But you know, 25 million jobs later, a balanced budget, $3 trillion surplus, it doesn't matter whether they vote for it or not, what matters is that Democrats, we have to be committed to doing what we do best, which is getting this economy headed in the right direction. And at some point maybe it will catch on with the other party. But they didn't cast any votes in favor of these things.

But what's most important is what we see. We saw it in the unemployment numbers yesterday, State by State, with the improvements throughout the country now and the majority of our States with employment moving up.

So I just thank the gentleman. I thank the gentlelady from Ohio. I love ladies from Ohio. My wife was born in

Ohio. But let's keep working together. Let's make it in America. And I thank you very much.

Mr. GARAMENDI. You have that experience of women from Ohio, and it couldn't be better, and we certainly appreciate our colleague from Ohio, Congresswoman SUTTON.

I noticed over here on my left side a gentleman who comes from the Continental Divide. Congressman PERLMUTTER has been very deeply involved. He was here a moment ago bringing to us a rule from the Rules Committee as a member there.

You were talking to me earlier about the way in which the economy is changing, and Colorado's become a manufacturing State. So please share with us.

Mr. PERLMUTTER. I thank the gentleman from California.

And really we've got to kind of not forget what we've come through, because the better days are ahead. But you can't forget where you came from. And over the course of 2007 through 2008, at the end of the Bush administration this country was losing 780,000 jobs a month. And over the course of the next year, through a series of things that stopped the free fall of the economy, righted it, and dealt with some significant issues that have been really holding us back, holding this country back for a long time. Health care as it applies to business. Each car costs a ton of money. On top of that is the health care costs. A variety of things that have been holding us down from reaching our real potential as Americans and as America.

But over the course of the last year-and-a-half, instead of losing 780,000 jobs, as we were under the Bush administration, we crossed the axis to positive job growth. And it's still kind of shaky, but we've gone from losing 780,000 jobs to gaining about 100,000 jobs a month. Now that's not good enough, and we can do a lot better. And we have a lot of work to do because in this trough, in this deep part of the recession, we lost 8 million jobs.

We want good paying, good products coming out of that so that we can put people back to work. And that's the goal and the everyday job. Our first priority is putting people back to work to good jobs. And that's what we're doing. We've taken care of dealing with some long-standing problems, whether it's reeling in Wall Street, dealing with health care, making sure that women get equal pay for equal work. Those are the kinds of things that we've been focusing on, when the Republicans have been focusing on the George Bush agenda of cutting taxes for the wealthiest, prosecuting wars without paying for them, failing to police Wall Street, privatizing Social Security, and abolishing Medicare. That's not the contract that we want to have with this country, but that is their contract that they want to pursue, just as George Bush pursued it.

Now, I would recommend to you, Mr. GARAMENDI and to the other speakers, an article that was published in the Denver Post this past Sunday by a gentleman named Andy Grove, who was the chief executive of Intel. And it describes manufacturing in the United States, and when it grew, and how it's waned, and what we can do to start building it again.

My friend from Ohio (Ms. SUTTON) talked about manufacturing jobs in that State. One of the places where we can have solid manufacturing jobs is in the green, clean technology arena. Now, it's manufacturing, whether it's solar panels or wind turbines or many things that are of huge size that we build in this country, we construct in this country, and it puts our people, Americans back to work. And that's the kind of thing, we are building a country by looking forward, by looking to that new day where we're going to have something better for the people of this country.

One of the things you talked about, Mr. GARAMENDI, was this bill that we passed involving students and community colleges. Well, community colleges in that bill will really be a base for developing these new manufacturing positions so that we have well-educated, well-prepared people to go build the best products in the world. That's what we've done before, that's what we're going to do again, because that's what America is made of.

And I am so proud to be part of a Democratic Caucus, and a Democratic Caucus that has dealt with a very difficult financial time, dealt with very substantial and difficult subjects like health care, and Wall Street, and getting this country back on its feet. And now we're going to move forward, just as America wants us to do, and we're going to start building this thing the way we know we can.

I yield to my friend from California.

Mr. GARAMENDI. Thank you. I just want to kind of set a couple of things in place here. Before I arrived here, my three colleagues and the Democrats in this House passed an energy policy that puts America on the track to renewable energy and puts us on a track to end our addiction to foreign oil. That bill passed this House. It is a fundamental policy direction. We're moving this Nation to renewables. We're moving the Nation away from its dependence on oil. I wish I were here to vote for it, but the special election occurred after that. There will be some follow-ups.

One follow-up, and this is something that just drives me crazy, that policy to build renewables in America actually runs up against our tax policy. The American tax policy allows our tax dollars to be used to buy wind turbines, photovoltaic systems, and even buses that are manufactured overseas. I am going, I don't get it. Wait a minute. That's our tax money. We're using it to buy wind turbines that are manufactured in China? Solar panels that are manufactured anywhere but America? That's stupid.

So one of the things my colleagues and I are working on is to change American policy here so that our tax money is spent on these green technologies that are manufactured here in America. Now, I hope the Republicans join us on this one. It remains to be seen, because they certainly have not joined us on any other job creation program that has been put through this House that's been signed by the President.

Now, my colleague from Minnesota.

Mr. KAGEN. You are thinking the Minnesota Vikings. I represent the Green Bay Packers.

Mr. GARAMENDI. Somewhere between California and Philadelphia is where Dr. KAGEN is from. And you actually started a major business in America. You know what it is to make things in America. You are a physician, you are an entrepreneur, and you are one heck of a legislator. So please share with us.

Mr. KAGEN. Mr. GARAMENDI, I thank you for yielding briefly, but I am from the great State of Wisconsin. And I know that occasionally the State of California has dabbled in the dairy business. And somewhere you've got a moniker that says somehow your cows are happier.

Mr. GARAMENDI. Happy cows.

Mr. KAGEN. You can't be any happier than being from Wisconsin. We are still the Dairy State, and I remind that to my colleague each and every opportunity.

□ 1730

Let me tell it to you this way. If I heard my colleague from Colorado correctly, you said that today was an important day for taking a positive step forward.

We saw our country on the brink of disaster. Why? How did we get into that mess? There were two wars at the same time, and the Republicans didn't pay a dime for either one of them. Two wars without paying a dime for it. There were two tax cuts to the very wealthy in the United States, didn't pay for that either. Four hundred billion dollars handed over to big drug companies in Medicare part D, didn't pay a penny for that benefit either. And then at the tail end of the Bush administration, they cracked the door open to the Treasury and allowed Wall Street speculators to take out nearly a trillion dollars, didn't pay a penny for that either.

So we've got a lot of bills that somebody's going to have to pay. We're beginning to move up. The way you do it is to generate private sector jobs. We understand that. But first we had to do a lot of lifting here. We had some tremendous leadership that guided us through these tough times.

The first and most important bill that I helped to pass was to live within our means or pay-as-we-go. It worked during President Clinton's time. It will work again during President Obama's time. We are fiscally responsible here

on the Democratic side of the aisle. We wish the Republicans would join us in helping us build that better future.

You mentioned that it's important to generate jobs. But to do that, small businesses and private businesses that I am very familiar with, we need to lower the cost of labor. We've done that. To give tax credits for those employers who will hire people. We did more than that.

According to the Republican adviser to President Reagan, Mr. Bruce Bartlett, on March 19 he said these words: Federal taxes are very considerably lower by every measure since Obama became President. Last year's stimulus bill enacted with no Republican support reduced Federal taxes by almost a $100 billion in 2009 and by $222 billion this year. It was news even at USA Today where the headline reads, ''Tax Bills in 2009 At Lowest Level Since 1950.''

If people in Wisconsin were looking for lower taxes, the Democrats have delivered it to the middle class. They didn't feel it, though. You're not going to get credit for it because the economy was on its knees. We were so deep into this recession.

But today is historic because we did pass a bill, a financial reform regulation bill that guarantees no more bailouts, no more bad loans to people who can't afford to pay them back. The taxpayers won't be on the hook for the speculators on Wall Street. And most importantly, a consumer protection agency that will finally put someone on the side of the consumer looking out only for their best interest. It wasn't done with a Republican-led House of Representatives or Congress. It was done with Democratic leadership.

And it will take Democratic leadership and a strong spine to stand up and take credit for all of the benefits that we're bringing to every American no matter what party they're in, because we're going to have to work together and across the aisle to guarantee that we can generate the jobs we need to work our way back into prosperity to make things here in America again and begin to get a balanced trade deal, not just with Europe, but most importantly with China.

I yield to Mr. GARAMENDI.

Mr. GARAMENDI. You mentioned Democratic leadership.

Just next to you is our Democratic leader, the Congressman from the great State of Maryland (Mr. HOYER). I suspect you have a few things you'd like to say, and you may want to cover the 20 or 30 bills that under your leadership and Speaker PELOSI that the Democrats have passed out of this House with no Republican support. But I'll leave it to you to speak on the matter of manufacturing.

But before you do, if you will look over here Mr. Leader, ''Make It in America.'' Now that came from a tremendous leader. Our majority leader said in caucus one day, Make it in America. It's your slogan, it's our slogan.

I yield.

Mr. HOYER. I thank my friend from California. I thank my friends from Colorado and from Wisconsin and from New York and certainly from Ohio who are on the floor here with us talking about making it in America.

We believe everybody ought to be able to make it in this, the greatest land on the face of the Earth. And we believe one way they're going to make it in America—I tell the gentleman, the Speaker, Mr. DRIEHAUS from Ohio—is to make it in America and sell it throughout the world. Make sure that our manufacturing capacity is as robust as it was in former decades and as it needs to be, and as Americans know it needs to be if our economy is going to give back, and America, which is a great country, can be even greater. And that America, which has been the engine of economic opportunity, will be an even greater engine of economic opportunity for our people. It will create jobs and growth.

Manufacturing is critical, and Americans know it, critical to our economic strength. And Democrats are committed to rebuilding it as a part of America's economic recovery.

Mr. PERLMUTTER has a chart there which shows that we were handed a debt of an economy, the deepest recession in three quarters of a century. There are only a couple of Members, a few Members of the House, who were alive 75 years ago. There are some.

America understands why they're feeling pain because of this debt left to us by the last administration. You showed the deficit, the figures. I've served with all four of those Presidents, I tell my friend Mr. GARAMENDI. I served with all four of those Presidents. One of them was a Democrat—the only one who's above the line, the only President in the lifetime of anybody in this institution that has had a net surplus. The only one.

Now we show four Presidents here, but very frankly you can go back for as long as you've been alive, no President ended with a net surplus as Bill Clinton did—a $5.6 trillion surplus left by that administration. An ability to address our problems.

Unfortunately, we failed to do so. Unfortunately, we had an administration that thought just helping the wealthiest in America, buying things and not paying for them, going to war and not paying for it, doing a prescription drug bill—which has done some good things—but not paid for, was the thing to do. And, therefore, we find the economy tanked. And in 1 month in America we lost 786,000 jobs. That was the last month of the Bush administration; 3.8 million jobs lost in the last year of the Bush administration.

And what does that mean?

If you look at the last year of the Clinton administration, we had 1.9 million new jobs created.

So Americans know that we've got to put America back to work. And one of the best ways to do that, Americans are telling us—Republicans talk about listening to America—one of the best ways to do that is to start making it in America and sending it to other nations. Not the other way around. Putting our people back to work.

Thank you, Doctor. I appreciate that.

In coming weeks we will be bringing to the floor the Make It in America agenda. A comprehensive strategy to boost American manufacturing. It's based on the idea that when more products are made in America, more well-paying, blue collar jobs, white collar jobs, no-collar jobs are going to be created; and it will be possible for more people to make it in America.

This bill, the Manufacturing Enhancement Act, is the first piece of that agenda. It includes hundreds of tariff suspensions and reductions so that American companies will find it easier to obtain the materials they need to produce goods, grow, and add workers, which we passed today. So we've already started on that agenda.

And by the way, I noticed that our Republican friends out of habit voted ''no.'' Then they started talking to one another and said, Hey, you know what this bill does? It starts to grow our economy. By the way, the National Association of Manufacturers are for this bill these Democrats put on the floor. They're for it because they know it helps to build jobs. And, oh, by the way, the Chamber of Commerce is for this bill. Why? Because it starts to build jobs. That's the agenda the Democrats are on. And did you notice how they sort of all talked and said, Hey, gee, maybe I better vote for that bill and we saw those ''noes'' go to ''aye,'' ''noes'' go to ''yes.'' It was a strange experience for them. I hope it's catching.

□ 1740

I hope they will keep doing it. I hope they will keep saying ''yes'' to the American worker. I hope they will keep saying ''yes'' to growing manufacturing capability in America. I hope they will say ''yes'' to the proposition that we can, we should, and we will make it in America.

America is the greatest land on the face of the Earth, and our people are some of the most talented, innovative, entrepreneurial people on Earth, and if we give them the tools and we give them the opportunity, they will compete with anybody in the world.

That's why we, Democrats, are committed to an agenda that says, yes, we can, we will make it in America, and in that enterprise, a manufacturing expansion, more people will make it in America.

I thank the gentleman for yielding.

For generations, Americans have looked to our manufacturing sector as a source of pride, a source of economic vitality, and a source of good-paying jobs.

Along with every part of our economy, manufacturing has taken a severe hit from the recession—but more than that, many Americans

worry that industry and the jobs it provides are gone for good.

We have a chance to change that—to emerge from these hard times as a stronger, more competitive company.

That's why Democrats are launching the Make It in America Agenda: a comprehensive manufacturing strategy based on the idea that when more products are made in America, more people will be able to make it in America.

The Make It in America Agenda will create incentives for investment in industry, strengthen manufacturing infrastructure and innovation, and help to level the playing field for American companies that compete globally.

Today, the first part of that agenda passed the House—and, I'm proud to say, it passed with strong bipartisan support.

The U.S. Manufacturing Enhancement Act will make it easier for American companies to get the materials they need to produce goods, contributing to a more productive economy and supporting job creation.

In the weeks to come, Democrats look forward to introducing a range of similar bills that will help manufacturers invest in clean energy, break down foreign barriers to American goods, ensure that taxpayer money pays for goods made in America, and more.

A strong manufacturing sector means a stronger economy and more secure jobs for all of our constituents—so I hope that the Make It in America Agenda will have support from Republicans and Democrats alike.

Mr. GARAMENDI. Mr. Leader, thank you so very much.

I notice we're joined by yet another Representative from another State, Mr. TONKO of New York, and you have often talked to me about the manufacturing that occurs in your area. Could you share us with your experiences and how all of this comes together in the great State of New York?

Mr. TONKO. Thank you, Representative GARAMENDI. It is great to join with our Democratic colleagues here on the floor to share our thoughts on how we rebuild this Nation's economy. And it's absolutely the truth that what was inherited here was a huge loss in jobs, 8.2 million jobs lost in the Bush recession and $18.5 trillion lost in the last 18 months in American households of the Bush administration. So there was a huge comeback required.

What we have here is an opportunity, I believe, to really express the strength of this Nation. The strength of our Nation is the intellect. The intellectual capacity of this Nation, when embraced, can inspire a wonderful, wonderful era of innovation, and we have seen it throughout our history.

When we professed that we were going to land a person on the Moon, when we entered the global race in space under the leadership of President Kennedy, we made it happen because people saw the goal. They believed that we were the greatness of America, and that greatness was expressed by a Nation that invested in technology that landed us on the Moon.

So we're at that same juncture. It is a repeat of history almost. As the President asked us in the Recovery Act to invest in basic research, to invest in R&D, in research and development, that allows us to develop all sorts of responses to basic needs.

The energy dilemma in this country, in this world, can be addressed here in the United States. You look at what the investment in advanced battery technology means. I see it in my district. In Schenectady, GE is opening a facility that will manufacture all of this wonderful opportunity where this alternative battery technology will not only allow for generation of energy, but it will allow for heavy fleets to be equipped with alternative supplies that create efficiency, less carbon emission, and a stronger outcome. Job creation, job production, and then beyond that, this battery will be available for storage, for storage of intermittent power.

So, as we look at the sun and the wind and the soil to produce our energy needs, there are concerns at times that there is an intermittent quality, that the sun may not shine, the wind may not blow. If we can store that supply, then we have created the linchpin to an innovation in the energy world. That is happening as we speak, and those batteries will be developed and manufactured here in this country. That's what we're talking about.

Do we want to go from purchasing fossil-based fuels from unfriendly Nations in the Mideast to purchasing solar panels from China? Not at all. We can produce here in this country but it's about choosing the right policies. It's about relying on the right course. It's about placing trust and confidence in leadership.

Do we want the failed leadership that continues to promote the policies of the past where Republicans in this House will stand on the floor and say privatize Social Security, put it to the whim of the investment market? What would have happened if we had transitioned that with the failure of Wall Street? We're talking about a party that continues to talk, continues to talk about providing vouchers for our Medicare system. I don't want to balance a budget on the backs of hard-working seniors who now earn their retirement years. They want Social Security and Medicare to stay intact.

We're talking about a party that said addressing Wall Street reform is like attacking an ant with an atom bomb. Well, what a gross misrepresentation of the dynamics of reform that were required here in this country.

So it's about going out to the past, reaching out to the past and all those failed policies, where a $236 billion surplus which was projected to grow into a $5.6 trillion surplus was destroyed. It was usurped by failed policies. Or do we choose to go forward with progressive leadership, with recovery that we're seeing, investment in our intellect, investment in our innovation, and putting together the resources that enable us to go forward to make it in America again, to manufacture here in the United States?

We have that ability. We have the course established. Let's continue to maintain the recovery walk that is so very valuable to our economy.

I know that Representative BETTY SUTTON has something she wants to say, and I will yield back, Mr. GARAMENDI.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject we're talking about, making it in America, manufacturing matters, the subject of my Special Order.

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

There was no objection.

Mr. GARAMENDI. We've got about 10 or 12 minutes. So we're going to do what we call lightning rounds. So we'll go around and we want to cover this ground as completely as we can.

I notice that our representative from Ohio (Ms. SUTTON) has a few more things she wants to add here. So, please, I yield.

Ms. SUTTON. Well, again, I just want to summarize some of the things that we've been talking about here and just say it loud and say it strong, that we have to focus on replacing policies that reward businesses for outsourcing jobs with incentives and sensible tax policies that will help our businesses and workers what? Make it in America.

And we have to develop a trade model that will put an end, an enforceable end to currency manipulation and illegal subsidies and product dumping, one that requires reciprocity of market access and one that ensures that products produced elsewhere and sold into our U.S. market are safe for consumption here in the United States.

If you look at this chart that my friend, Representative ELLISON from Minnesota, is helping me hold up here, we can see how working Americans are being squeezed; 12,000 to 20,000 American jobs are offshored every month. It is outrageous, and we have a chance with our policies to stop this from happening. Let's close the corporate tax loopholes and save $14 billion a year and start to save these jobs.

Mr. GARAMENDI. This House more than a month ago passed a very, very important tax bill, and what it did is to end the tax subsidies—and the gentlewoman from Ohio was speaking to this—ended the tax subsidies that American corporations get when they offshore jobs. Americans that I talk to say, What are you talking about? You mean the tax policy of America actually allows corporations to take a reduction in their tax, a tax credit when they send jobs overseas? The answer is yes, but if that bill becomes law—and it's stalled in the Senate by the Republicans—if it becomes law, that will end and no longer will corporations be given a tax break to send jobs overseas. It's $14 billion a year.

Mr. ELLISON, we've had a debate here with your colleague next to you about which is the greatest State in the upper Midwest. Would you care to join us and answer that really important question?

Mr. ELLISON. If the gentleman would yield, it's well-known fact that in Minnesota that everybody's above average, you know.

Mr. GARAMENDI. If you yield for a moment, I assume, therefore, you must be from Minnesota.

Mr. ELLISON. You know what I tell you, nothing about my comments would necessarily indicate that but you're right. I'm not bragging. I'm just telling how it is.

□ 1750

But let me just say this, one thing Minnesota and Wisconsin do have in common is that we have a lot of hard-working people who are very talented at making things. We can make goods. We can make products. People have made goods throughout the history of this Nation that have essentially armed America during World War II. The arsenal of America was right there in the upper Midwest, Detroit, Wisconsin, Minnesota, right in there as we were making the things that America needed to defend itself.

We also made the things that helped Americans have more convenient lives, have the best and strongest economy in the world. And I just want to say that we can make these things again. There is nothing that can stop us from making it in America all over again. It's a matter of vision. It's a matter of commitment.

I am telling you that I am so proud that today we passed a bill to take us a step in the direction of manufacturing in America today, making it in America, and then we can sell it in America or out of America or anywhere around the globe. What I call for is a commitment to manufacturing, enforcing our trade rules, making sure that other countries play by the rules, that we invest in education, training, and we adjust our Tax Code, as you so correctly point out, to make sure that we are on our own side, which I think only makes sense.

So with that, I want to thank you, Congressman, for bringing us together yet again to talk about the vital issues that affect Americans every single day. Your leadership is very valuable around here. Thank you.

Mr. GARAMENDI. I would yield to our mutual friend from the neighboring great State of Wisconsin.

Mr. ELLISON. You mean the State that the great Brett Favre so wisely left and then came to my State of Minnesota.

Mr. GARAMENDI. We will not find any unanimity among the Democratic Caucus on that, but let's yield to Dr. KAGEN.

Mr. KAGEN. In Minnesota or Wisconsin, we have the same ideas. The idea is that on a level playing field, whether it's a football field or a manufacturing competition across borders, we can compete and win against anybody. But there has to be, there must be a level playing field.

We cannot in this country continue to allow China to manipulate its currency to its own advantage. We cannot allow our own corporations or any international corporation to offshore our jobs.

Instead of shipping our jobs overseas, we must export our values. Our values are at stake. We care about our people. We care about our environment. You cannot, you cannot continue in China to sacrifice your environment for economic development.

I think we have got the right message. If you don't make anything, you won't have anything. We have got to get back to our base of making things here in America and making sure that we can compete on a level playing field. That's what we are working so hard to do.

Mr. TONKO. Representative GARAMENDI, I like these lightning rounds. I think you are right on to the absolute powerful course to make certain that tax policy speaks in defense of American workers, American families. Absolutely essential, making certain that there is an agenda here to invest in education, because we are training the workforce of the future. But what we also need to do—and I am convinced that we can do it smarter. If we don't do it cheaper, we can still win if we do it smarter.

I look at all of the opportunities that we can do through energy efficiency retrofitting, that we can take manufacturing and upgrade it so that we are creating a state-of-the-art facility. Energy costs are significant in production, in production costs, in manufacturing costs. When I look at the potential of providing, for that efficiency, retrofitting, I saw it NYSERDA. I served as president and CEO at the New York State Energy and Research Development Authority just prior to entering Congress. We saw many, many businesses coming to us to ask for programmatic help, to make their efficiency and on site as powerful as could be.

We need to see that as our fuel of choice. We need to drill and mine for efficiency like you would drill for oil and mine for coal. It is that valuable a resource, and we have invested in that. We have invested in all sorts of innovation in the energy arena through the Recovery Act.

This is a visionary policy-driven administration. The Democrats in this House, led by Speaker PELOSI, working with the President, are visionary. They are bringing about state-of-the-art opportunities. We are bringing into play what was back-burnered by an administration that was too interested in working with powerful sources—big banks, big oil companies, all of the special interests of insurance—working with them, giving them the prioritization in government rather than allowing us to invest in all of the adjustments that were required so that our manufacturing could be as smart and as challenging to the global marketplace as could be. I see that as a value added that's part of the Recovery Act, part of the packaging that we do here.

Another point that I would mention, SBIR, the Small Business Innovation Research program, I have a bill that will invest in tested prototypes that have been tested and are ready to be deployed into manufacturing. We can do that if we create a phase 3 revenue stream. Let's take those patented ideas that have been prototyped that are ready to go into manufacturing. Let's invest in that. That's jobs immediately. It's a no-brainer.

So I would hope that we could advance that sort of small business agenda, because otherwise these patents are going to other countries. They are developing these patents into a manufacturing situation, and that scenario is providing jobs in their given country. We need to take our own patents here to the SBIR program and advance that agenda.

Mr. GARAMENDI. Representative TONKO, thank you so very much for bringing us that perspective.

I am going to very quickly run through a scenario of policy changes that the Democratic majority in the House has approved by overwhelming Democratic majority and which the Republican minorities have consistently voted ''no'' on, almost to a person.

First of all, the American Recovery and Reinvestment Act; 2.8 million jobs created out of that, every single Republican voted ''no.'' This was the stimulus bill.

The Worker, Homeownership, and Business Assistance Act; 98 percent of the Republicans voted ''no.'' This was to keep people in their homes, to help small businesses.

The health insurance reform; 100 percent of the Republicans voted ''no,'' and this is the bill that provides a subsidy for businesses that buy health insurance for their employees, keeping their employees healthy.

Student Aid and Fiscal Responsibility Act, giving students the opportunity to go to school, whether they are 50 years of age or 18 years of age, increasing the Pell Grants; every Republican voted ''no.'' The Democrats passed it.

Cash for Clunkers, keeping the auto industry alive; a majority of the House Republicans voted ''no,'' 95 out of their caucus. Hiring Incentives to Restore Employment, the HIRE Act, which will help create 300,000 jobs; 97 percent of the Republicans voted ''no.''

Credit cards. How many of us have been ripped off on our credit cards, the hidden interest bump that occurs after 3 or 4 months? The House Republicans voted ''no.'' The Democrats passed that, and it's now law with the President signing the Wall Street reform.

And speaking of the Wall Street reform, every House Republican voted ''no.'' The great collapse of the American economy caused by Wall Street excesses. Republicans stood with Wall Street; the Democrats stood for reform.

The American Jobs and Closing Tax Loopholes Act passed by the House and Senate; 90 percent of the Republicans voted ''no.'' Small business, Republicans voted ''no.''

The Home Star Energy Retrofit Act, how we can improve the efficiency of our homes and put thousands of people to work; 93 percent of the Republicans voted ''no.''

The COMPETES Act, creating an educated workforce. You and I worked on this in the Science and Technology Committee. So what do the Republicans do? They voted ''no.'' This is the law that gives us science and technology education, gives us the resources, the research for the next generation, on and on and on.

We need policies that move the manufacturing of America, that put Californians, New Yorkers, Ohioans, Minnesotans, Wisconsin and every other State, those people need to go back to work. The jobs program, the innovation programs, the manufacturing programs, those are Democratic agenda items. We vote them out of this House, the Republicans vote ''no'' on them, and then it goes over to the Senate where the power of one Senator, usually a Republican, has stalled it all.

We are not finished. We have just begun. We are going to put America back to work. We are going to make it in America, and Americans will make it. That's our agenda. That's what we are all about, and we are going to see that it gets done.

I want to thank my colleagues and thank you for joining us this evening. For the American people, we thank you for your attention.

Mr. RAHALL. Mr. Speaker, American Manufacturing has long been the pride of our Nation and the core of our success. American cars, textiles, steel, aircraft, timber and other industries formed a secure base from which we could provide for our own, with quality materials and support for a strong export economy. However, the erosion of this manufacturing base, with more jobs going overseas, through trade policies and our own government failing to ''Buy American,'' has led us to a point of crisis.

We are taking steps to right this ship and return us to a place of strength in manufacturing. H.R. 4380, the U.S. Manufacturing Enhancement Act, MTB, is one of the most important actions Congress can take to preserve and expand good American jobs. H.R. 4380 cut the costs of doing business in the United States and boost American manufacturing exports. U.S. manufacturers large and small can use the MTB's tariff suspension provisions to obtain raw materials, proprietary inputs and other products that are not available in our Nation. This reinvestment is critical, as the manufacturing sector has been disproportionately harmed by this recession. According to the Bureau of Labor Statistics, manufacturing employment has fallen by 2.1 million jobs since December of 2007.

I also strongly support Representative LIPINSKI's bill to establish a Manufacturing Strategy Board and Task Force with a goal of focusing more attention on manufacturing and coordinating government's efforts to ensure our Nation's competitiveness. The manufacturing sector generates two-thirds of our exports and employs millions of Americans. Equally as important is our ability to support our national defense and to sustain American infrastructure with American products. If we are going to improve our manufacturing base we must back our words with a step-by-step plan and solid goals to reach our vision of a return to the solid American manufacturing base.

This manufacturing strategy goes hand in hand with the newly-formed Buy American Caucus, of which I am a member, that focuses Congressional efforts to promote American jobs; reclaim American leadership in manufacturing; support small businesses; and close loopholes in current law to ensure that the federal government is purchasing American-made products.

Regardless of political party, we must work together as Americans to invest in our country's long term future and create high-paying jobs. Right now, American men and women who are willing to work are still having trouble finding jobs. As Members of Congress, we owe it to our constituents to ensure that jobs created with the assistance of government funding are American jobs and that the benefits go to the American people.

We must inspire continued demand for American products to create a rebirth of our state and nation as the manufacturing world leader. This effort must start with buying American products here at home, especially by Federal agencies, followed by a well thought-out strategy and all the small steps we can take to lower the costs of manufacturing in the U.S. I encourage the Administration and the Congress to press forward to require a national manufacturing strategy and to institute Buy American policies wherever and whenever possible.

□ 1800

THE ECONOMY

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

Mr. AKIN. Good afternoon, Mr. Speaker, and good afternoon, friends. This evening we're going to continue in the discussion which has been ongoing.

We've just been treated to a whole series of wonderful promises and all the wonderful things the Democrat Party is going to do for America and how we've created all these jobs and we're doing this and that and the other thing. The only problem is, it's not working.

Now, Republicans, and myself particularly here on the floor, talked a year ago about the proposals to create jobs and what the Democrats were going to do with the economy, and we said it's not going to work. It's not that we're being naysayers; it's just that we understand how the economy works and the fact that the proposals that have been made don't work. The American public is starting to understand that they don't work because unemployment is still very, very high, much higher than the numbers actually show because after somebody has been looking for a job for a year, they're taken off the unemployment list. So when you see 10 percent or 9.5 percent unemployment, the actual number, because the people who are not counted, who are not working, is far higher.

I think it's helpful to go back and just understand some basic things about economics. I was dazzled, I was amazed Monday of this week as I was going through the airport and I saw our President talking and accusing Republicans in the Senate of being hypocrites—I think ''hypocrite'' was the word he was using—in the fact that they didn't want to continue people's unemployment. You know, the thing that strikes me as being odd is to have a whole series of policies that are well calculated to get rid of private sector jobs and then be surprised at the fact that there aren't any jobs. And you don't have to really be a wizard in economics to understand that the policies of the last 18 months have killed jobs. In fact, there are Democrats that understand that. We're going to talk about one here in just a minute.

I'd like to go back to 2003, when George Bush was President. I want to go back to September 11 of 2003, which was the date of an article that appeared in The New York Times, not exactly a conservative newspaper. This article said, The Bush administration today recommended the most significant regulatory overhaul in the housing finances industry since the savings and loan crisis a decade ago. So here's 2003, the Bush administration says something is wrong with Freddie and Fannie. What's wrong with Freddie and Fannie? Oh, they lost $1 billion here or there. Well, you're not supposed to do that. Economically it's considered a little sloppy on the books.

Well, how did that happen? Well, it happened because of the fact that we had created a bunch of laws which said that you have to, if you're a bank, make loans to people who can't afford to pay the loans. Now, I suppose this might have been sold as compassion at one time, but somehow to me it seems like to put anybody in a loan that they can't afford is certainly not compassionate and is not a wise thing to do. But anyway, we did that over a long period of time, the idea being to get more and more Americans to own their own homes, which is nice if they can afford it.

Well, what happened, under the last year of Clinton's administration they increased the percentage of the loans that had to be made that people couldn't afford to make. And what happened also at the same time, the Federal Reserve dropped the interest rate

to almost zero and so there was this huge housing bubble starting up. Houses got more and more and more valuable and people could buy a house, get a loan from someone saying you don't have to make any down payment and you don't have to make any payments at all for 3 years. So you could let the government finance this new big house you built, and 3 years later it might have come close to doubling and you could sell it and just pyramid your money. It was a great deal as long as the music didn't stop.

Well, President Bush said we need to have more Federal authority in Freddie and Fannie. Freddie and Fannie are quasi-public, quasi-private companies. And so what happened over this period of time is that Freddie and Fannie essentially went bankrupt. And when they did, boy did it hit the fan. So we are going to see, this is what Bush was saying he wanted to do. Here was the response of some of my Democrat friends. If they were so good at economics, they wouldn't have gotten it this far wrong.

Here it is: Freddie and Fannie are not facing any kind of financial crisis. Oh, they're not facing a financial crisis, huh? Okay. Who is this? This is Congressman FRANK, who is now in charge of fixing this problem, which he hasn't fixed yet. These two entities, Freddie and Fannie, are not facing any kind of financial crisis. They've got plenty of lobbyists with plenty of money to slop around on Capitol Hill, so we kind of like them. The more people exaggerate these problems, the more pressure there is on these companies, the less we'll see in terms of affordable housing. Interesting. They're not in any kind of financial problem, huh? They brought the entire world economic system down because of these policies.

Now, people had the gall to say that free enterprise doesn't work. My goodness, it wasn't free enterprise when people are forced to make loans that they can't afford to pay. The loans were then cut and sliced in pieces and sold all over the world. So everybody had these things, and there was no market anymore for them. And so we were called in in Congress a number of years ago, a couple of years ago—not quite 2 years—and told, hey, you've got to do this big bailout, $700 billion you've got to give to get the economy back in line. Why? Because of the fact that we didn't manage this thing correctly.

Now, the interesting thing is, now with the economy going bad, the Democrats in power, with that going on, they came up with how to fix the economy. We're going to talk about that and why it is that—it's not that we're mean spirited, we're just saying mechanically, economically, it won't work.

I'm joined tonight by a very fine Congressman from the State of Georgia. I think he may be the newest Congressman from the State of Georgia and just did very well in his election the other day. I think he's got one more election to go, and he'll be down here more permanently. But we're delighted to have Congressman GRAVES from the great State of Georgia. And I don't remember exactly where your district is. Could you give a little intro about where your district is?

Mr. GRAVES of Georgia. Sure. I am from Georgia's Ninth Congressional District, which is north Georgia, north Georgia mountains, a beautiful part of the State.

Mr. AKIN. That's God's country up there. Is that the Blue Ridge Mountains?

Mr. GRAVES of Georgia. Yes, Blue Ridge. The city of Blue Ridge is part of the district. And I live in the small town of Ranger, a little bitty town, a little farm community.

Mr. AKIN. How close is that to the Chattooga River?

Mr. GRAVES of Georgia. To the Chattooga River.

Mr. AKIN. That's about an hour or two drive from Atlanta.

Mr. GRAVES of Georgia. Yes, that's not far away at all, you're right.

Mr. AKIN. My brother is a ''rambling wreck from Georgia Tech.'' He used to go kayaking on the Chattooga and got up into that country. It's a beautiful area, and I think the citizens from up there are wise to have elected you, Congressman. We enjoyed a conversation last week on the floor.

I'd like you to jump in if you'd like to about how this whole thing is going. I was coming through the airport on Monday, and I heard the President screaming and yelling at Republicans about the fact that we didn't want to continue year after year after year paying people for not working and screaming at us that we're insensitive to the job situation. And I'm thinking, this guy has done more to destroy jobs in America than anybody in the history of the country just about, and he has the gall to say that.

And it made me think, it's so simple, I don't see how people can miss it. If you hammer businesses, then you're not going to have jobs. If you destroy companies, then there are not going to be jobs because jobs come from companies. And if you hate companies and you hate the private sector, then how are you going to have jobs? So how can you, with a straight face, complain about jobs when you're trying to destroy the companies that make the jobs? It seems sort of straightforward to me. I don't even know how to explain it any simpler than that. Please join us.

Mr. GRAVES of Georgia. Well, what you're addressing is free market capitalism. We know it works, and America was founded on that. And the fact that the administration today continues this crazy level of spending and then blames businesses for not hiring—and we've heard about hope and change and saved and created jobs, all these different theories out there. But the one theory we know they're using right now is that Keynesian theory of economics, and that is, the infusion of money through the government into choices of their own.

So they're spreading that wealth that we all know that they said they would not do, but spreading wealth. And where does that money come from? Where does that wealth come from that's being spread? It's coming from the citizens of the United States, the taxpayers themselves, the small business owners.

So if we're going to turn this economy around, we've got to apply a new theory of economics, the supply side theory of economics—free markets, capitalism, competition, all those things that just energize the economy. That's what I look forward to, a new governing majority here in Congress that is going to bring free market and capitalism back to the United States.

□ 1810

Mr. AKIN. Well, I'll tell you something. I sometimes wish the Democrats would just learn from themselves and from their own mistakes, you know, because here is a guy, Henry Morgenthau, who was a contemporary of little Lord Keynes, and he tries this idea. I think it is the equivalent of, if you're from Texas, having those boots with the loops in the back, and you reach down and grab those loops and lift hard and try to fly around the room.

The theory is, if the government spends enough money, the economy is going to get better. Now, if any father of a family in this country did something as stupid as that, they'd probably lock him up and put a little white suit on him, you know? To think that if you're in trouble economically that what you should do is go out and spend a ton of money—I mean maybe the theory is to spend a whole ton of money, eat, live and be merry because tomorrow we die, but as an overall theory of economics, this is really silly.

They tried it. FDR tried it. This is this guy, Morgenthau, who has come back after 8 years, after taking a recession and turning it into a Great Depression. This wasn't just harming free enterprise and companies. Literally, those companies closed their doors. It wasn't that they were just sort of hunkered down. It wasn't that they were just sort of lean and waiting for better times. They closed the doors and stopped the businesses. So this is what he said. In Congress, he said this:

We have tried spending money. We are spending money, more than we have ever spent before, and it doesn't work.

I wish the Democrats could just listen to their own people. It doesn't work.

He says: After 8 years of the administration, we have just as much unemployment as when we started and an enormous debt to boot.

This is Henry Morgenthau.

Mr. GRAVES of Georgia. Was that in 2010? It sounds like today, doesn't it?

You know, it's interesting you bring that up because that's what we're dealing with here in the Congress. What the Senate is voting on, whether today or tomorrow, is the extension of unemployment benefits, right?

Mr. AKIN. Right.

Mr. GRAVES of Georgia. If the policies of the Obama administration were working so well and if they were saving and creating so many jobs, then why do we need to extend unemployment benefits? Doesn't it seem like an admission to the fact that it doesn't work, that they are failed policies?

Mr. AKIN. That's why I said I have a hard time understanding how you do this with a straight face.

We've just heard of all these fantastic Democrat programs that are working fantastically, that are going along, and everything is fine. Yet we're saying, But we've got this little problem of no jobs. So the government spent even more money, and instead of understanding the nature of Americans—that ''can do'' spirit that makes America such a special place—and instead of trying to set a system up where people can have jobs and bites at the American dream, we say, ''No, we're just going to pay you not to work.''

You know, that's kind of degrading to people.

Mr. GRAVES of Georgia. You hit on the solution, which is, if we empower the American people—empower the taxpayer, empower the business owners—they will drive us through these tough economic days without any problem because of that entrepreneurial spirit, that ''can do'' spirit, that grit, that willingness to dig deep and to work hard. We know that has pulled us through so many challenging days. You know, what we've heard for the last couple days—I've heard and I'm sure you have—is the Democrats blaming a previous administration over and over and over.

Mr. AKIN. Oh, man. It wasn't just the Bush administration that brought Hurricane Katrina. It brought every bad thing that ever happened in the whole world.

Mr. GRAVES of Georgia. They failed to take responsibility for the fact that they took the majority in 2006, that they swore in their very own Speaker in 2007 and yet failed to take responsibility for the actions with the unemployment and with the job losses that we see today. Just blame it on someone else, a previous administration.

Mr. AKIN. You know, there is one thing that is awful hard to argue with—just the plain numbers.

In this year of 2008, Bush was President, but NANCY PELOSI was Speaker of the House. This was the worst spending year of the Bush administration. Did the Bush administration spend too much money? I would say, as a conservative, yes, he did.

Mr. GRAVES of Georgia. Well, let me ask you this.

Mr. AKIN. $459 billion right here.

Mr. GRAVES of Georgia. Well, where does spending originate? We have branches of government, right? We have three of them.

Mr. AKIN. Right.

Mr. GRAVES of Georgia. I believe spending and allocation of appropriations originates in the House of Representatives, not in the executive branch, but in the House of Representatives.

Mr. AKIN. Right.

In 2008, that was Bush's worst year—$459 billion. Now take a look at the first Obama year. I mean talk about a runaway deficit. This cannot continue without the Nation's literally falling apart economically. So what you are seeing is the result of this incredible level of Federal spending, and its effect is very corrosive to jobs.

So how is it that you can say, ''Oh, Republicans don't want to keep paying people for not working, and they don't care about unemployment''? It's like you guys are the ones who are doing everything possible to create the unemployment.

I am joined by my good friend, Congressman BISHOP, if you would like to join us.

Mr. BISHOP of Utah. Thank you.

I am actually very honored to be here with two friends who are talking about the significant problems we have in this country—simply, the lack of jobs. As we all know, government does not create jobs, but government can create a policy to discourage jobs, and that is specifically where we are today.

If I could, I'll just go in a slightly different direction from where the two of you have headed so far.

Mr. AKIN. Yes.

Mr. BISHOP of Utah. I have my good friend here—the newest Member from the good State of Georgia, so we've got a good southerner here. We have somebody from the Midwest, and I am actually from the West. With all due respect, I think my part of the Nation is taking a bigger hit in this economy, because of government decisions, than are the others. The unemployment rate in the West is actually higher than any other section in this country.

Mr. AKIN. Wow. Why is that?

Mr. BISHOP of Utah. It has been that way for the last 12 months. So, somewhere, somebody has to figure out what is unique about my State and about our area in the West that has given us this wonderful distinction of having the best joblessness in the Nation for well over a year.

I think, obviously, there are a number of causes, but it is also, I think we can say for a certainty, that many of the new policies and regulations that have been adopted during this administration, coming out of Washington, are flat out not helping when we could be unleashing economic upturn as well as providing domestic energy independence for this country, which is a boon to economic development. Yet we're doing the exact opposite.

Let me show you three charts, if I could, simply to illustrate.

You know, every time I come here, I rant about the amount of public lands that we have. The Federal Government owns 650 million acres. That means that 1 out of every 3 acres in this country is now owned by the Federal Government. Unfortunately, in my area—the West—1 out of every 2 acres is owned by the Federal Government.

For example—and this is a different chart than I have used before—if the amount of land owned in the West by the Federal Government were owned in the East, that is how much area, the area in blue, would be owned and operated and controlled by the Federal Government. If, on the other hand, we in the West had as much land owned by the Federal Government as you out in the East—and by that, I mean everything east of the Rocky Mountains, that is how much of our territory would be controlled.

So, obviously, there is a unique element there, which simply means, of the 12 States that have had the slowest growth in their economies, the biggest joblessness increase—and I hate to say that—then 6 of those 12 are in the West. Georgia gets in there. I'm sorry. I didn't leave you out. Six of those 12 have to be found in the West.

If you want to go one step further and look at the 20 largest counties with 25,000 or more inhabitants, counties which have the highest unemployment and joblessness rates, of those 20, 19 of the 20 are found in the West. You have to go down to number 20 before you finally have somebody—in this case, it's Michigan—that breaks through with a higher unemployment rate than Western counties have.

So I am going to make the contention that there is a reason the West has been hit very hard in what I simply like to refer to as an ''inexplicable war on the West.'' I think the numbers bear it out, and part of it is because of policies. Without taking too much of your time, let me just list off a couple, a slew, of some of those administrative decisions.

Mr. AKIN. Well, I am really interested in what you're going to say because it seems to me that there is a war on Missouri going on and a war on free enterprise going on, but I didn't know about the war on the West, so I am all ears. Please.

Mr. BISHOP of Utah. Well, we'll all join in the battalion because we are all faced with the results of these decisions.

Let me just check off a couple of things that have happened in the West that have destroyed jobs in the West.

Obviously, in my State, the first thing this administration did is cancel 77 oil and gas leases in the State of Utah, but what we don't know is they have also halted scheduled oil and gas lease sales in Montana, South Dakota, and North Dakota. Wyoming, because of the climate of this administration, only is able to lease about 5 percent of the leases that are put on bid because of what we are doing here.

This administration banned uranium mining permits in the State of Arizona. They put multiple restrictions on oil shale development causes.

In California, they blocked water that goes to ranchers in the central valleys there. So, in some communities in California, up to 40 percent of those agricultural communities are now faced with unemployment. This administration tried to provide $400 million in stimulus to that area. Well, it's sad. They didn't need to do that. All they needed to do was to turn the water on, and it's free. Unfortunately, much of that stimulus money went to districts that voted to keep the water turned off, which created the unemployment in the first place.

I spoke to the economic development director from the State of Utah, who is in charge of tourism and movies. The West is a great set for lots of movies, but one of the problems the movie industry is facing in the West is, when you go on government lands, the permitting process to just go on there and do this clean energy of companies is taking so long that we basically don't have the situation taking place.

Mr. AKIN. So wait. Now you're really making a case. What I'm hearing you saying is there is a systematic series of decisions which literally creates unemployment. They are government decisions. It is worse in the West because the government controls more of the West, and those decisions systematically destroy jobs while the President comes on and, with a straight face, says that Republicans are hypocrites because of the fact that we don't want to keep paying people for not working.

□ 1820

It just amazes me.

Mr. BISHOP of Utah. Let me throw a couple more statistics at you, and then I want to do some dialoguing here because the numbers are good, but we have to put them in context eventually.

This administration is always big about saying, well, we need to have alternative energy sources to help our economy grow. I think we need to have all kinds of energy sources. But the Chamber of Commerce has identified 380 renewable energy projects that have been blocked or stalled over the past 4 years. The total cost of those stalled projects is $560 billion in lost economic activity and approximately a quarter of a million jobs that were not allowed simply because—it doesn't matter whether we're talking about fossil fuels or wind power or solar power or nuclear power—we're not doing anything to develop new energy sources.

Western Energy Alliance did a survey to find out what would be taking place in the West, these areas that I'm saying have been heavily hit. Seventy-four percent of the respondents to the survey by the Western Energy Alliance said their companies are downsizing capital investment in the Rocky Mountain area. That's $1.1 billion of investment that has been shifted from the Rocky Mountains to other parts, simply because of the inability of the government to try and help us to develop energy sources. That is $2.8 billion in infrastructure that would have come into the West and has not.

And it has a ripple effect. If you stop an oil lease or a gas lease or a wind power project or a solar power project in the West, you also stop projects that are on private lands abutting that area, and you stop the need of having truckers bring the equipment in and bring people in. And then you lose the mechanics jobs, and you lose the jobs from the hotel industry where they are surfaced.

Ninety percent of the respondents say that their company will continue to divert investment in the Rockies until there is a change in the regulatory process.

We don't have to have this joblessness. This government is creating it by policies that are not intended to build jobs but actually prevent jobs from being created.

I yield back.

Mr. AKIN. The question I have is: How does the President think he can get away with doing this? I mean, all of these people that work in these different companies, when those decisions are made and they get rid of jobs—we were doing the same thing, weren't we, with telling people they couldn't drill for oil in the gulf? Didn't that put lots of people out of work? I don't understand why people don't see that and realize that you can't have a war on private business in America and, at the same time, say you're worried about jobs, because it seems like, to me, people get jobs in businesses. And if you destroy businesses—of course, their concept of jobs is, We'll hire more people for the census workers, I suppose.

Mr. GRAVES of Georgia. If I might interject real quick here, and I'm going to have to leave the conversation in a few minutes, but what we've seen for over 12 months now is unemployment at, what, 9.5 percent, and we've heard a lot about saving and creating jobs. We've seen a lot of bailouts, buyouts, stimuluses, cash for clunkers, financial reform, TARP 1, 2, and I'm sure there will be many more. The fact is they're not working.

But we're going into January of this year and taxes are going to go up on every citizen of the United States. Every tax bracket will be raised. Capital gains will go up. The dividend tax will go up. Inheritance tax goes up. The marriage tax goes up as well.

And I'm curious, how does this administration, how does the leadership of this House face the American people this November and say that is going to create jobs, that's going to get you back to work? Taxing you more to fund failed programs of the last 12 months is going to get you back to work. I don't know how they're going to do it.

But I'm going to stand before my constituents with a positive message and let them know that there are men like you and me and others in this Chamber that are going to stand up daily and stand up and put forth positive solutions to get this country back on track. And we're going to get it back on track, but it's going to take a lot of work, and it's going to take pushing government out of the way and empowering the American people to once again dream and dream big.

Mr. AKIN. That is such a refreshing breath, or a little breeze anyway. We're hoping it will be even more refreshing in November.

But what you're saying is, and the bottom line is, the government is not the thing that creates the jobs. And what we've seen is, for 18 months, a policy that says the government is going to take over everything. They fired the President of General Motors. They're going to take over insurance companies. They're going to take over banks. They've decided not only are they going to take over the insurance of flood insurance, they're going to take over the loans for students. They're going to take over whatever it is, one-sixth of the economy with their socialized medicine.

If they could have, they wanted to take over the energy sector with their cap-and-tax bill, which would do nothing for global warming except for more taxes and more big bureaucratic government. And the solution to every problem is more taxes and more government, and they don't learn from the people, from their own party. You know, JFK understood that you've got to back off on taxes.

I thank you very much, gentleman, for joining us, the Congressman from—Mr. GRAVES District, I think it's the Ninth District of Georgia, and really a fine addition here. And I appreciate the fact you have some business sense and some common sense, because America really needs to get back on that.

And I also appreciate my good friend, Congressman BISHOP from Utah. We'll get back to him in just a minute. But the talk about it was the largest tax increase in history. This is the dumbest thing in the world to do when you have a bad economy and no jobs. JFK understood what to do. He cut taxes and cut government spending.

And what are we doing? We've got the largest tax increase in history coming up here. Those paying 10 percent will pay 15 percent. Those paying 25 will pay 28. Those paying 28 will pay 31; 33 goes to 36; 35 goes to 39. That's the biggest tax increase in the history of our country. It's exactly the wrong thing to do.

It's not that we're being naysayers. It's not that we're being critical. It's just that it won't work. And the solutions are straightforward. What you want to do, you want to cut spending and you want to cut taxes.

And here, this is this wonderful recovery plan. The Democrats said, if you vote for this $800 billion jobs bill, if you vote that, this is what's going to

happen is this blue line. They said, if you don't vote for it, this light blue line is what's going to happen. You could have unemployment as high as 9 percent if you don't vote for us spending $800 billion, supposedly get the economy back and going.

And so, on a strictly party line vote, the Democrats put in their nifty plan, and here's what happened, actual unemployment. And they're saying the economy is so good and so strong that we now need to extend people's unemployment benefits. There's something about that that just doesn't add up.

My good friend from Utah.

Mr. BISHOP of Utah. And I appreciate that. I think if you keep—I don't know if they can keep the cameras on that particular chart, but it is a telling chart. And it's one of the things that I think you are trying to say, that we have yet to learn lessons from history.

It is very clear that we are trying with the stimulus bill, a few of the other bills, right now, creating jobs by having tax-funded jobs being created. Unfortunately, that's a sector that's growing, but that's not a sector that will continue and build and has a multiplier effect in the economy. To do that, you have to have the private sector involved.

I hate to say this, but when we went into the Great Depression, there was the history. We'd already learned after the end of World War I how lowering tax rates actually increased the amount of revenue and spurred the economy. Same thing you mentioned also that took place in the 1960s that President Kennedy clearly understood, and it's happened several other times in the history of this country.

But at the beginning of the Depression, there were many people within the business community who had money to invest in business that could have spurred the economy, created jobs, and grown our economy out of the Depression. But they did not invest that money, primarily because they were afraid of what the tax and regulatory policies of the government would do, and, therefore, they simply sat on it. That's what happened as part of the problems we had in the Depression. People with investment opportunities did not do so.

Unfortunately, I think we find ourselves in that same situation.

□ 1830

The future tax policies, and you just mentioned we don't know what will happen at the end of this year, but it could be catastrophic in raising taxes. But in addition to the regulatory policies that we have placed in effect, the effort of the continuous deficit spending that we have done, all of those have added to a portion of unrest within the business community and it simply says, ''I'm going to wait to see where I'm going to invest to see what actually happens eventually.'' That is why the government doesn't actually create jobs, but the government policies can destroy the ability for those jobs to be created at the same time.

So I appreciate what my good colleagues have been saying, because it is true. Our regulatory policies and our tax policies have created so much nervousness within the system, we are not doing that which could encourage a multiplier effect within our economy, and that is exactly what we need at this particular time.

Mr. AKIN. So what we have seen, according to what you're saying, is very clear. First of all, you've got the tremendous, tremendous level of spending, which is exactly the wrong thing. And what is happening with that tremendous level of spending, you're getting what you would expect, you're getting a lot of unemployment, and that's making it worse and worse.

As you do that spending, of course, we have a question of who owns our debt. In 1970, the foreign debt holdings were 5 percent. It doesn't seem like 1970 was so long ago to me. In 1990, 20 years later, foreign holdings had gone from 5 to 19 percent. Now 2010, another 20 years later, total foreign debt is now 47 percent. Those are not numbers that make people who understand business and understand economics comfortable with where we are in this country.

Mr. BISHOP of Utah. Before you actually put that chart down, I think you understated that sentiment. It's not just people who understand business are not comfortable with that. I don't understand business and I look at that chart and I'm not comfortable with that. Any normal American would look at that and say something is desperately wrong with what we are doing.

Mr. AKIN. What we have is foreigners basically bailing us out. As long as they're willing to do that. But pretty soon they're going to say, If you want us to bail you out some more, you're going to have to pay me more interest. And boy, it's going to be a problem then.

This is a comparison. Sometimes it's helpful because when you start talking about billions and trillions of dollars, you say, man, the only thing I can understand is a hundred or a thousand dollars. And so here we are compared to other countries. This is deficit as a percent of gross domestic product. This is the United States here. We are third only to Spain and the United Kingdom in terms of our deficit. The United States is third only to Greece and Italy.

You take a look at these European countries, and they're not just in nifty economic shape. In fact, I heard a statistic today, I don't know if you had heard this before, gentleman, but I was told that if you take a look at what we call the poverty level in America, a person in America living at the poverty level is doing better than a person in the middle of the middle class in Europe. That's what socialism buys you.

I will say that again. A person at the poverty level in America is doing better economically, right at the poverty level line, than somebody who is a middle class person, an average middle class person in Europe. That says that all of this Keynesian socialistic stuff is terribly inefficient. And here we go right down the line trying to imitate the examples of Greece and Italy and the United Kingdom with the fact that we're just overspending radically.

We go back to this thing. It just seems like, I've talked about this a lot of weeks, you've joined me, and this isn't that complicated. There are things that kill jobs. One of them is excessive taxation. When the government takes too much money, the people that have the businesses can't invest because they're giving their money away. So what are you going to do? You tax all the well-to-do people. It's well-to-do people who own the businesses. You can't have it both ways. If you want to destroy the businesses, you're not going to have any jobs. It can only be one of two ways.

Insufficient liquidity. We have the wrong laws in terms of that policy. You have just given us an incredible example of red tape and government mandates just destroying the job market out west. Those are amazing numbers.

Did your office pull those numbers together, gentleman?

Mr. BISHOP of Utah. Actually some of them we did, but the one especially about renewable energy products, the 380 renewable energy products that have not been allowed to go forward, which would be another quarter of a million jobs and $500 billion in economic input, that was done by the U.S. Chamber of Commerce. That actually happens to be nationwide; not just in the West.

Mr. AKIN. Wow.

And then, of course, the economic uncertainty as you're saying. When you see the government taking over the auto industry and the insurance industry and then going to take over the health care industry, that makes people that understand economics very uncertain. They're not going to put a lot of money into trying to create jobs. They'll make jobs. There's a president of a company in St. Louis called Emerson Electric. Emerson Electric says, we'll make jobs; we're just not going to make them in the United States because we can't afford to.

We have created a set of policies that are so toxic, we have done so well with this list of job killers and doing every one of these things very well that he said, Yeah, we'll create jobs, but they're going to be in foreign countries because we can't afford to do business in this country because we've made the environment so toxic.

And yet we talk about saying, oh, my goodness, we've got unemployment, we've done all this wonderful stuff, but now we've still got to do more to help the unemployment, if what we're doing was so wonderful.

Take a look at these policies. Sometimes a picture is worth a thousand

words. Here we have the President saying, ''Now give me one good reason why you're not hiring.'' You've got the government taking over health care, the cap-and-trade, the global warming thing, and all these other taxes that are coming along. As it turns out, health care has got a lot more hidden taxes than we realized in it.

Here's the poor shop owner of the china shop with these bulls marching around; he feels like hiding behind his desk here because of the fact that we just can't seem to understand some very, very basic economics.

Here is what we're doing. One of the big killers, of course, is tax increases. These are the corporate tax rates across the entire world. You see the green line over there, it says the United States has the second highest corporate tax rate. We say, gosh, I can't figure out why we don't have more jobs. But look at what we're doing. It's foolish policy.

And then you can take a look at the largest tax increase that we're looking at starting in 2011 unless Congress acts. Married people; the standard deduction is going to be changed.

Mr. BISHOP of Utah. Would the gentleman from Missouri simply restate what that first line in black actually means. Unless Congress acts, taxes will go up.

Mr. AKIN. Yes.

Well, if you recall, in 2001, the Republicans inherited a recession. So they had to do something about it. As President Bush was running for office the first time, he said, what we've got to do is cut taxes and cut spending. So what they did was we cut taxes three different times in different ways. Those taxes, because of the way the Senate worked, they were going to go along until 2011, so it was a 10-year tax cut. At 2011, the taxes were going to revert back to the way they were at 2001 when we were in the middle of a big recession.

So we did those tax cuts, particularly a tax cut in 2003 or so, and that was dividends and capital gains. What that did by cutting those things, we allowed those businessmen to invest in their own business. And we saw employment jump up. We saw the economy jump up. And ironically by cutting taxes, the Federal Government raised more money than they had when the taxes were higher. And that worked fine.

So now with the economy in the pits, what we're going to do is raise these taxes, which is just plain crazy. I don't know how long we have to stand on the floor and say, look, the idea of continuing to spend and tax is not what's going to create jobs.

Mr. BISHOP of Utah. So what the gentleman is telling me is that if Congress does nothing, there will automatically be a marriage penalty increase. Child deductions will go down. There will be another death tax increase. There will be a capital gains tax increase; a dividend tax increase. Unless we do something proactive, it will automatically happen.

Mr. AKIN. That's correct.

Mr. BISHOP of Utah. And so far we're a half a year away from the deadline and we have yet to do anything proactive about it.

Mr. AKIN. Not only have we failed to do anything proactive, but the Democrats have made it absolutely clear that they will not renew these tax cuts. They're not going to do this. So we know that we're going to end up with the biggest tax increase in our history right on top of this huge unemployment and a recession going on. This is not wise.

Mr. BISHOP of Utah. While you're there, if the gentleman wouldn't mind for just a minute, let me talk about another concept of taxes which I don't think many people are aware. These are things that will automatically happen. But there are bills that will be coming to the floor sometime soon that deal with tax increases on our form of energy production.

Now one of those things listed in there in the cost of doing business is also the cost of energy that takes place. There is a bill that passed the Natural Resources Committee, it's called the CLEAR Act, which purportedly dealt with what is happening in the Gulf of Mexico which is a terrible crisis and needs to be changed in some way.

□ 1840

But deep within the bowels of this bill is a $2 per gallon tax increase on all oil produced in the Gulf of Mexico, and a 40 cents I think it's per trillion cubic feet of natural gas that will be produced in the Gulf of Mexico. And one would assume, if we are dealing with the Gulf of Mexico, that money could be for restoration work, for cleanup work, for those who have lost jobs and lost income during that period of time. Unfortunately, that's not what that money will be used for if this bill passes.

That money is all going to go to the Federal department into a specific fund which would now bypass appropriations and be just under a billion dollars a year to buy more land in the Federal inventory. So the amount of blue on this chart could grow in every section of this country, but once again primarily I get the fun of it in my State, where most of the public land is.

That is a tax increase on business solely so the government can grow its hold on the amount of property we own here, and in so doing will infringe upon the ability of producing better energy in the future. And like I say, if we were actually moving forward in alternative energy, as we say we want to, maybe that wouldn't be so bad. But this administration is also shutting down alternative energy projects at the same time it is shutting down traditional energy projects. And that's another tax that goes onto that multitude of taxes you are talking about, and actually goes on to compound the amount of spending that we're doing.

Mr. AKIN. I think that what you are saying is the list I gave you before is incomplete. I said the government wants to take over autos, they want to take over insurance, they want to take over student loans, they want to take over flood insurance, they want to take over whatever it is, a sixth of the economy with socializing medicine, but it's not enough for them to own all that. What they also want is they want to own the land.

So they're going to tax businesses with some sort of a pretext this is a little tax because of the gulf oil spill, and they're just going to use it as a slush fund to buy up more land. It goes back to Rahm Emanuel, he is chief of staff for the President, his incredible statement that let no crisis go without taking full advantage of it.

So we've got a crisis that is largely perpetrated by the Federal Government in the gulf. Certainly BP was culpable for doing some things wrong. But their poor decision-making seems to be eclipsed by the total failure of the Federal Government to deal with something that's fairly fundamental. It's called a hole in the bottom of the ocean. And if you were really going to be on top and show people that the Federal Government was something you could really trust, you would put a fusion cell together, you would get people to make decisions, instead of Governor Jindal asking the Federal Government for permission to dredge up a little sandbar to stop the oil and waiting more than a month, as the oil comes into his wetlands, to get an answer.

I mean the Federal response to this thing, and a lot of the problems on the oil rig, were because of all kinds of Federal regulations as well. So we have this idea of the containment dome. Here's another containment dome that's not working. We're spending some money, and we're spending it at an unusual rate, a rate that would destroy our country if it continues that way.

Mr. BISHOP of Utah. I appreciate the gentleman expressing I think the frustration that many of us in Congress are feeling in the direction in which this country is going, and that we can look at concept after concept of either outrageous spending, poor policy that deals with tax policy, poor regulatory policy, poor energy development policy, put those all together, and it still spells a lack of jobs. And what was supposed to be a time period where we were going to be creating all sorts of jobs is simply one where we have lost jobs.

Unfortunately, what we are also finding unique about this recession is people who have lost their job are staying unemployed longer or taking part-time jobs instead. The length of the joblessness is unusually long in this type of recession. And I think part of that goes back to the policies that this country is pushing forward that do not encourage investment in our economy and do

not multiply our economy impact, when we have historical evidence of how that could easily happen. We are ignoring that.

Mr. AKIN. I think we need to make sure that given a particular period of time—and I appreciate your joining me here. Thank you very much, Congressman. I am so thankful for some of the very, very fine people that are good thinkers, very thoughtful, coming from all areas of our country that have a deep interest in America.

What you have going on here is a systematic attack on the fabric of what America really is. And you have a belief system if there is a consistency in Federal policies, and that consistency is that the government is taking everything over, and the American public, at least a certain percentage of the American public, is really getting concerned about that. They are concerned because they feel like we're losing our country. The government is not our friend, the government is not our servant. The government is becoming our master. It's becoming a tyrant. And it's taxing us to the point and it's spending to the point that it's going to destroy our country.

You take a look at what's going on in Europe, and you see that we're competing with some of the most fiscally irresponsible nations in Europe in terms of our numbers, in terms of our spending, in terms of our taxation. And this has got a lot of people scared, a lot of people scared. And they have very good reason to be. And the fact of this matter is you can hear all kinds of economists talk about fancy theories, but it's not very complicated. It's as simple as a lemonade stand.

If you tax that lemonade stand too much, the guy that runs it can't afford to keep it going. If you tax it just less than too much, you make it so he is never going to add any new lemonade stands, because that takes extra money, and you took all his extra money away. So when the government takes money and creates jobs, or hires more people, now the government—supposedly, the rate of pay of a government employee is twice what it is of an employee in the private sector. If the government keeps doing that, what happens is it pulls money out of the economy. That creates the unemployment, and then you start to go into this joblessness situation.

So here we are. These things are not complicated. Too much taxation. JFK understood that you can't do that. You've got to cut taxes. Ronald Reagan understood that. George Bush understood it. And when they cut taxes, what happened was we pulled out of the recession.

Insufficient liquidity. This is one of those policies just like Congressman BISHOP was talking about, where the Federal Government is making bad business decisions, making it hard for businesses to get loans. And most of the businesses don't even want loans because the environment is so toxic for business there is what we say in Missouri, they are hunkered down like toads in a hailstorm. Because they're saying, oh, my goodness, we've got all this economic uncertainty and all this red tape that's being generated, we don't know what's going on next. And as that happens, they're not investing the money. So what happens? We don't have jobs.

So this is all very predictable. It's about as simple as a lemonade stand. If the government red tape tells you that you've got to test every glass of lemonade you make, and you have to put 10 different tests on it, it makes it so expensive that you can't sell the lemonade. This stuff is not that complicated.

What's happened is the government is no longer the servant of the people; the government is taking over massive sectors of the economy, and they are spending way beyond what there is any possibility that we can maintain. And most people, when they take a look at this level of deficit spending, they realize that something has to change.

Now, there's a couple different ways that you can change it. The first you could do is you could just take everything the Federal Government's doing and try to freeze it or reduce it. The problem is that's not going to get it. The second thing you could try to do is get rid of the waste, fraud, and abuse. Well, there are no line items that say waste, fraud, and abuse. And you're not going to fix this problem by getting rid of waste, fraud, and abuse.

What has to happen is we have to go back to some sense of sanity and realize that the Federal Government's job is not to play God, not to try to be all things to all people, but have the Federal Government become limited once again and do the things that it must do. Most of the things we're trying to do now could be done by States. We should send those decision-making policies back to the States. And what we need to do, instead of spending this much money, we need to do the few simple things that the Federal Government can do and must do.

What are those things? Well, first of all national security. States are not going to be able to run our military. That's not the job for State government. That's a job for Federal Government. And the other thing is, of course, our law enforcement system, the fact that we don't want terrorists running around inside our country. So the justice that the Federal Government should be rendering is external, that is our military, and internal in the sense of our police, and laws, justices, courts, et cetera, and jails.

□ 1850

So those are the basic things the Federal Government has to do.

When the country started a long time ago, Washington, D.C. was a boring place. They only had a couple of laws on the Federal books. One of them was against piracy on the high seas. That was something that the States weren't having to deal with. That was a Federal job. Piracy on the high seas. Another one was counterfeiting. The Federal Government makes the money supply. You don't want people counterfeiting. That was a Federal law. And so you had a few Federal laws, but all kinds of other things were done at the local and State level.

But here what we've got going on is the government is trying to be God to everybody, trying to be all things to all people; and what's happening is it doesn't work. It never worked in other countries. I'm amazed that we would be foolish enough to do this level of spending.

We saw a country, it was called the US—It's something that I recall historically, called the US, and they had a philosophy of government in this particular US that said the government is going to give you food and housing and education and a job, and it's also going to give you health care. That country was called the USSR. That country economically failed and collapsed. We all saw it coming. We were frightened of it because of their nuclear weapons, but we saw that their economy didn't work.

And what are we doing with this? Every single thing the Soviet Union was doing, which is the government is going to take care of your housing, it's going to take care of your food, it's going to take care of your health care, going to take care of your education, and your job because the government is taking over all of these businesses. We're repeating the same thing that didn't work. And Americans all across this country—I'm not talking about just Republicans, Democrats, and independents—it's just people are starting to get it that we're on the wrong track.

So it led to the bumper sticker that said, Had enough change yet? I think that's one of the things the President promised was change. And I think he's certainly keeping his promise in that regard, if in no other.

So these are things that are really upsetting people; and when you take a look at the combination of what's going on, these are really, really serious. The comparison of these other countries I think is really telling. When you see deficit as a percent of GDP and the United States is third worst in terms of deficit—debt is a percent of GDP; United States is the third worst. You go, This is not good at all.

Then you find out the statistic that I just heard about today, which says that the poverty level, the line that says you're in the poverty level in America, that line is the average of the middle class in Europe. The average person in the middle class in Europe lives below our poverty level.

So do we want to go down the direction of what these European countries are doing with the government taking everything over, all kinds of rules and regulations that hamstring the free enterprise system? I think not.

I'm going to close this evening by talking a little bit about the America that I love.

The America that I love was populated by these crazy people that came here, and they had dreams to do amazing things, things that a lot of people would have said in Europe that you can't do that. And yet these people came to this country with these dreams, and the dreams as they worked on them became a vague possibility and then even a possibility. And finally they became a reality. And so America was built one dream at a time by different creative people that came to our land.

I think first of all of my favorite historic group of people, the Pilgrims coming to this land; and just over a hundred Pilgrims came. They had a dream of creating a civilization different than anything in Europe. You know, the teachers always say the Pilgrims came here for religious freedom which, of course, is silly. They had religious freedom in Holland. They didn't come here for that reason. They came with a much more grandiose idea. They wanted to build a new civilization unlike anything they'd seen in Europe.

And so they gave us certain ideas. They separated church government from civil government. They wrote a written Constitution called the Mayflower Compact, the first time in all of human history that a group of free people under God created a civil government to be their servants. The civil government servant, not master. That piece of paper signed on the great table of the Mayflower. In ye name of God, Amen. Goes on to say, We do covenant and combine ourselves together into a civil body politic for the glory of God, the advancement of the Christian faith, and to frame such just and equal laws would be meet and necessary.

The first time there was a written Constitution under God of a group of free people making a civil government to be their servant, the entire foundation of the American civil government founded in 1620 because these people dared to have a dream, and when they came here within the first 3 months, half of them died. And the Mayflower going back to England said, You guys better give up. You started here as a little over a hundred, 103 people. Now you're down to barely just 50. You need to come back to England and give up. They said, No. We believe God called us here for a purpose.

So they said as they were dying as they got older and as Plymouth Colony survived and did well, they said they thought that they were stepping stones for people who were going to come after to build a new nation because they had a dream in their hearts of what this country could be. By the way, they threw out Socialism in Plymouth Colony because they knew it was unbiblical. They understood in 1620 what we don't understand in 2010.

They were followed by other kinds of people, all of the diversity of these people that came with all of these crazy ideas. One of them built a hundred light bulbs and not one of them worked. And his attitude was very cheery. He said, Now I know a hundred ways to not make a light bulb. He kept trying and pretty soon Thomas Edison made his first light bulb.

So America was built this way on free enterprise by people having the courage to take a try at something and fail and try again. But it wasn't built by the government trying to give everybody jobs and the government taking everything over. They were trying to get away from those big kings of Europe. They wanted the government to be simply a servant, just a facilitator, a facilitator so people could enjoy what they believed were their God-given rights, to life, to liberty, and to the pursuit of happiness. They could pursue happiness. They knew the government could never guarantee happiness. But they just new that they could try.

And so it was for generations and generations. America became one of the most unique and exceptional countries in the world because it was based on a new idea, a new set of principles. Some people call it free enterprise. Some people call it the American Dream. Some people talk about it as the can-do attitude. And what we're doing is we're killing that dream.

And that's why we stand here on the floor and talk about these policies. What we're trying to do is to turn America back into Europe. We left Europe. We don't want to go back to Europe. Some people may want to go back to Europe. Be happy if they'd take a one-way ticket over there. Don't turn us into Europe with the socialistic policies of the government taking over everything.

We've seen so many examples of the Federal Government being lousy at doing what it does. We think about the efficiency of the post office, the compassion of the IRS. Think about the Energy Department. The Energy Department—people aren't aware it was created so that we wouldn't be dependent on foreign oil and ever since the Energy Department was created, we're more and more dependent on foreign oil. Talk about something totally failing in its mission.

And we've just seen what happened in the gulf oil spill. We've seen taking the President 50 days before he even contacted the head of BP. The President having the authority to put a team together of the best resources not only in the country but in the world and being unwilling to take these big ships that foreign countries owned that could come and suck up all of that oil and process the oil and spit the water out. But no, we're not going to do that. Dithering around with more and more government bureaucracy. Is this the sort of thing that we really want to put more trust in our Federal Government?

We've seen historically that federal governments of foreign countries have killed more people of their own citizens than all the wars of history since the time of Christ. If you add up all of the people killed in wars since the time of Christ historically, there are less people killed by war than there are by governments killing their own citizens. Do we not have some natural fear of excessive government? I don't understand why we have this irrational faith in the efficiency of big government. It seems to me that it's just a very, very unwise place to be putting our faith. Why do we want to go back to Europe? It doesn't make sense.

I think we need to think, rather, in terms of the bright light and the freedom that comes from people being allowed to succeed or to fail, for people to be able to pursue their dreams. The Bible tells us that for every single human being in this world, God made a special job for them to do. And when people have the courage to just chase after what's in their heart, the dream that's in their heart, that's what makes great civilization. That was one of the things that distinguished America that made it such a unique and different Nation because people were able to follow the dream that was in their own heart.

And how can you do that if the government starts to keep taking everything over and taking more things over and taxing you and making it impossible for you to do the kinds of things that Americans for generations have done?

There are two views of America that we see. The view that you see now is the view that reflects the Democrat Party. What you have seen for 18 months is total Democrat decision-making. The Republicans on most of these issues vote ''no,'' and we are totally ignored because we are, quite frankly, 40 votes short in this Chamber. And ignored in the Senate as well.

So what you see is Democrat policy, what you see is European policy, and what you see is the destruction of the American Dream. And that must stop.

□ 1900

THE GULF OIL SPILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from California (Ms. RICHARDSON) is recognized for 60 minutes.

GENERAL LEAVE

Ms. RICHARDSON. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to enter their remarks into the RECORD on this topic of the gulf oil spill.

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

There was no objection.

Ms. RICHARDSON. I appreciate the opportunity to anchor this special hour tonight. My name is Congresswoman LAURA RICHARDSON, and I represent California's 37th Congressional District which includes the cities of Long

Beach, Compton, Carson, and Signal Hill. It's adjacent to the ports of Long Beach and Los Angeles, the largest port complex in the United States and the third-largest in the world.

For starters tonight, I want to take a look at what we're going to talk about in the report that I've prepared to present to the American people. As a Member of Congress, I'm a member of the Committee on Homeland Security, and I'm the subcommittee chair of Emergency Communications, Preparedness and Response, and so because of that, I felt it was important to share with the American people the information and the observations of what I'm now calling the people's Congress.

I'm here tonight to present to the United States Congress and the American people my report, my observations, and my recommendations regarding the Deepwater Horizon oil spill. It includes the responses that have been taken and the recovery that's needed for us to move forward.

So let's start with what happened back on April 20 at 10 p.m. Tragedy struck in the Gulf of Mexico. Just 42 miles from the population of the people in Venice, Louisiana, there was a fire, there was an explosion, and the Deepwater Horizon oil rig began to be engulfed in flames. After trying to quench the flames, people came from all over the country, even Holland, attempting to figure out how to put the fire out on this rig. After spending much time and much energy, 115 crewmembers were rescued and evacuated.

Eleven crewmembers, unfortunately, tragically died. These eleven men lost their lives: Jason Anderson, Dale Burkeen, Donald Clark, Stephen Curtis, Gordon Jones, Roy Wyatt Kemp, Karl Kleppinger, Blair Manual, Dewey Revette, Shane Roshto and Adam Weise. These 11 gentlemen were men. They were men who were fathers, brothers, sons, and uncles, and on behalf of myself and the House of Representatives and Americans, we express our prayers to their families and friends and commit to study the situation and not to repeat it again in the future.

So, in order for us to do that, we first have to understand what is the magnitude of this problem. Throughout the evening on April 20 and into the next day, gallant efforts were made, as I mentioned, to still save, even into the second and third day, the 11 missing men and to put out the fire that could be seen for miles. The men who were coming to put out this fire, they could see the fire on this rig for 2 hours prior to getting to the actual site. That's how large it was. Some say the fire was as high as 200 feet into the air.

So 2 days later, after they made very many attempts to be able to put the fire out, the heat was just entirely too hot and the metal began to collapse, and the platform and the rig collapsed, 5,000 feet to the floor of the ocean.

As the fire began to subside on April 24, just two short days later, it was reported that oil was flowing into the ocean at a rate of at least 5,000 barrels per day. The United States has over 63,000 Federal onshore oil and gas wells. Having leaks and spills is also not something new to our country, but what is is the size and the magnitude.

Since 1990, there have been a total of 5,601 major pipeline incidences reported. That represents over $4 billion in damage. Previously reported, the worst spill was in 1989 by the Exxon Valdez in Bligh Reef, in Prince William Sound, Alaska. The flow rate technical group of the U.S. Geological Survey estimates that the Exxon Valdez spilled approximately 750,000 barrels of oil. Now, let's put that in perspective.

The oil spill from the Deepwater Horizon has continued for over 80 days, although it has passed at this point, and it is believed that the Deepwater Horizon will supersede the Valdez by several times. How could that be? If the Deepwater Horizon is leaking at anywhere between 10,000, as has been reported, and as high as 65,000 barrels a day, and if you multiply that by a minimum of 80 days, you're talking about a range of 800,000 to 4.8 million barrels of oil.

Now, the Deepwater spill took place 42 miles from Venice, Louisiana, which has 572 miles affected out of 7,721 miles. Those are shoreline miles, and so what that's saying is the impacted area is approximately 7.4 percent. In Mississippi, they have over 108 miles that are affected out of 359 total tidal shoreline miles, which brings it at approximately 30 percent. Alabama has over 67 miles of coastline affected out of 607 total tidal shoreline miles, approximately 11 percent. And Florida has over 69 miles affected out of 5,095 total tidal shoreline miles, approximately 1 percent.

So when we consider the damages that have happened so far with this Deepwater Horizon spill, some of the damages that are caused are to the beaches that we will talk about tonight, to fish, to birds, the environment, other wildlife, the ecosystem, tourism and the economy, marine life, livelihoods, jobs, lost productivity, and let's not forget public health.

In light of the loss of life, the unusual depth of drilling, and the immediate disaster implication, responses from all levels were immediately activated. President Obama and the administration, through working with the U.S. Coast Guard, is historically the primary responder to U.S. coastal waters. The U.S. Coast Guard responded to the BP oil spill within hours. The Coast Guard began immediately operating an emergency search-and-rescue mission.

Leadership was established on April 21, less than 1 day later. On April 21, a day after the explosion, pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan, Rear Admiral Mary Landry was made Federal on-scene coordinator.

On April 22, less than 2 days later, after the explosion, the national response team, led by Secretary of Homeland Security Janet Napolitano, was activated along with additional regional response teams. These regional response teams are formed for many reasons. The teams typically include a United States Coast Guard representative, someone from the Environmental Protection Agency, the Department of Homeland Security, the Department of Commerce, the Department of the Interior and State and local representatives. The purpose of these regional response teams is to coordinate, to partner, to communicate, and to respond.

The regional response teams began developing plans, providing technical assistance and access to resources and equipment from its member agencies, as well as overseeing BP's response. Some workers, like Jay Harper from the Department of Homeland Security, have been working since day one, which is now 91 days straight, in response to the Deepwater Horizon spill. In this picture you see Jay and I viewing the source site, and he's pointing out information to me of where the actual source is, where the burns are taking place, and the whole aspect of what we could view from the plane.

On April 23, an incident command system stood up and was in accordance with the national response framework and the NCP. The purpose of the incident command system is to provide a common method for developing and implementing tactical plans to efficiently and effectively manage a multiagency response, and certainly this was it. The ICS organization for this response included incident command posts and unified commands at the local level, as well as a unified command at the regional level.

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The next step was on April 29, just 9 days from the explosion, Secretary Napolitano designated the oil spill as a spill of national significance. This designation enabled Secretary Napolitano to appoint then U.S. Coast Guard Commander Thad Allen to serve as the National Incident Commander, the lead national coordinator in charge of Federal efforts.

On May 21, 2010, President Obama issued an Executive order creating the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling to respond to this spill. Further, President Barack Obama simultaneously has made four trips to the gulf to oversee the spill and to supervise the cleanup efforts.

On June 9, The New York Times reported that Rear Admiral James A. Watson, the on-scene coordinator of the Unified Command overseeing the response effort, wrote to British Petroleum, giving the company 3 days to provide plans. Among the requirements are that any new method, most importantly, that would contain the leak would be devised to reduce disruptions from a potential hurricane, which we are now approaching that season.

The letter came amid continuing questions about how much of the leaking oil was being captured by BP's latest containment effort, what we now know to be called the top hat. Also, there were questions of whether the company could be collecting more and what other processes could be used.

Finally, there were concerns about whether BP had failed to provide enough surface equipment. So when I had an opportunity to go to the gulf, and having read all of this, these were the things that I wanted to see. When you look at the source site of the Deepwater Horizon spill, what you will notice is there are multiple platforms, multiple vessels that are used to all coordinate in one sync to eliminate the gushing of oil that was coming into the gulf. And this was the scene that I saw just 1 week ago.

So when Rear Admiral Watson directed his letter, the things that he wanted to make sure that we were considering is incorporating the hurricanes, because the gulf is very much an area—as you can see, the waters are very calm here, but given very high winds and higher seas, these platforms and these vessels could easily be submerged as well.

When we talk about some of the things that have been done and when we look at the cleanup, 5.4 billion barrels were spilled into the gulf it is potentially believed; 2.6 million barrels were either evaporated or degraded; 823,000 barrels have been siphoned, and these are some of the various devices that helped to do this; and 262,000 barrels have been burned off, which is what you see of this flame. This is not the rig on fire. The rig had already collapsed into the ocean. This is to be able to pull the oil and to be able to burn the excess area, and 100,000 barrels have been skimmed.

Now, when we go to June 15, 2010, President Obama used his first Oval Office speech to address the Nation for 18 minutes and to talk about the oil spill that was carried on prime-time television to many TV networks. President Obama emphasized that we will fight the spill with everything we have got for as long as it takes.

When I participated in a hearing just a couple weeks ago, that was the question that the mayor asked us, Will you be here for as long as it takes? President Obama also said that he wanted to make sure that BP paid for the damages that had been caused, and he also stated that whatever was necessary to help the gulf coast and its people recover from this tragedy, we would do.

On June 16, 2010, BP agreed to create an independent $20 billion fund to pay the claims arising from the oil spill. The company also said it would suspend paying dividends to its shareholders for the rest of the year and would compensate workers for their lost wages.

Now, let's talk about the congressional action and the things we have done in this House in relation to the Deepwater oil spill. In relation to the administration's response, Mr. Speaker, Congress has taken significant actions since the oil spill to respond to this crisis.

Over the last 93 days, the U.S. Congress and the Senate have conducted over 24 Washington, D.C. hearings. We have conducted two field hearings, 75 on-site Member of Congress or Senate visits. H.R. 5503, the SPILL Act, last month was passed by the House, and it was passed in order to reform maritime liability laws.

Those laws were impacted by the Death on High Seas Act, the Jones Act, which we have heard much discussion about, and the Limitation on Liability Act. This bill is intended to ensure that the families of those who were killed or injured in the BP spill and other such tragedies are justly compensated for their losses.

On July 1, this House passed the 2010 supplemental appropriations bill, which includes aid measures requested by the Obama administration in response to this disaster. Included in this bill was funding for agencies that are working in the gulf to monitor the water, the air quality, the seafood safety, and worker health.

The bill also extends the time that the Secretary of the Interior would have to review an offshore drilling application. Current law only allows the Secretary 30 days to review the process, which is way too short of a time to complete a full review of increasingly complex drilling plans associated with deepwater drilling.

Then, H.R. 5481 was passed by this House to give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. This is a bipartisan commission that our President formed. It's chaired by former Senator Bob Graham of Florida and former EPA Administrator William Reilly, and it was established on May 22. Its task is providing recommendations on how we can prevent future spills from originating from offshore drilling and mitigate any impact.

Then we have gone to S. 3473, which is access to the trust fund, and it impacts the liability trust fund. The purpose of this bill is to ensure that we have the tools necessary to respond to the BP oil spill. Last month, Congress passed S. 3473 to permit the Coast Guard to obtain one or more advances from the Oil Spill Liability Trust Fund to underwrite Federal responses and activities related to the BP Deepwater Horizon oil spill.

Under the law, the Coast Guard can only withdraw up to $100 million from the fund to finance emergency response efforts. After an accident and that money has run out, that can become a problem.

The trust fund was created by the Oil Pollution Act of 1990 and is funded by an 8-cent fee that is paid by all of the oil companies on each barrel of oil. This legislation has been signed by the President.

Finally, the American Jobs and Closing Tax Loopholes Act. That act was passed and the House enabled it so that it would protect the coastal economies by ensuring that oil companies would pay to strengthen the solvency of the Oil Spill Liability Trust Fund instead of passing the buck onto the taxpayers. That measure will raise the fee of oil companies that they will pay per barrel and increase the current $1 billion cap on individual claims against the fund to $5 billion, and increase the $500 million cap on natural resource damages assessment to $2.5 billion. Currently the trust fund has a balance of roughly $1.6 billion.

Now, let's talk about my observations. We have talked about the tragedy that happened. We have talked about what the administration has done, and we have talked about what Congress has done in terms of legislation.

□ 1920

So now let's talk about some of the things that I've seen.

I've made two trips to the gulf. Both trips were with the jurisdiction of the Homeland Security Committee of Government Oversight and Emergency Preparedness and Response. After viewing the news updates, I'll be honest, I anticipated seeing thousands and thousands of miles of oiled water. I expected to see every marsh covered in oil. I expected to see birds everywhere covered in oil. I expected to see sandy beaches covered in oil. And I expected to see no fishermen allowed to fish, and certainly no New Orleans businesses.

Indeed, it is true, over 500 miles of oil has gone onto the beaches in the gulf. This is a picture that shows the work that was done on the beaches. Now, you can actually see the work area in that far right section. You can see the booms that have been laid out. You can even see the restroom for the workers to be able to use as they clean the beaches. So you can see the booms, the nets, and even on this farther picture, you can see where the previous oil had gone across on the beaches. There are 3,617 birds have been rescued, 2,333 birds died, thousands of fishermen have been without work. And an 83,927 mile area has been disallowed for fishing.

The destruction has been immense, and the final estimates are far from being in. However, many of the challenges involved in reporting and responding have been overcome in the last 40 days. That's why I wanted to speak today, because I've been watching the news on a regular basis, hearing every single night of the individual incidents that have occurred, but we've heard very little about what our government and our representatives and the people who have been working every day have been doing.

Typically what happens on a daily basis is the planes go out, they survey the area, and they look at their various radar to see where the oil spill locations are. Once they observe them from

the air, they send the boats out, which then move forward and put the various booms out to either do burning or skimming. And then you also have some of the things that many of the elected officials in the local area had asked for, and that was the dropping of the sandbags. You can see this area where the sandbags were put in to prevent the oil from coming into the marsh area. Also, if you look very closely here, you will see the booms that were set in order to prevent the oil from coming into this marsh area.

Men and women are working around the clock. The administration has authorized and deployed 17,500 National Guard troops of which 1,580 have been activated. Approximately 45,000 personnel are currently responding to protect the shoreline and the wildlife and cleanup of our vital coastlines. And while there have been delays in equipment supply, the Coast Guard and Federal Government have been diligent in working to get the equipment that we need.

More than 6,800 vessels have responded on site, including skimmers, tubs, barges, and recovery vessels, all set to assist in the containment and the cleanup effort. In addition, hundreds of aircraft make the trip daily, as I said, remotely operated vehicles, and multiple mobile offshore drilling units to be able to clean up the disparate oil that has hit our shores.

Currently, approximately 572 miles of the gulf coast shoreline has been affected directly by the oil spill; approximately 328 miles in Louisiana, 108 miles in Mississippi, 67 miles in Alabama, and 69 miles in Florida. What many hardworking people have done is to set up 17 staging areas to protect many of our sensitive shoreline areas. This is an area where you can see actual workers where they go out; they actually go into the marsh area. You can see the pattern of where the oil has come in and where they're working to actually remove the oil. You also can see at this point some of the different—this is a boom that they're using in this area, and you can see inside in the marsh area where there is a tremendous amount of oil that had been spilled, but on the inner part it is still green and we hope will still survive.

Approximately 83,927 square miles of Gulf of Mexico Federal waters remain closed to fishing in order to balance the economic and public health concerns. We hope that soon those areas will be open once we can validate that in fact the fish that are living there that would be fished will be safe for consumption for people to eat.

Now, what was interesting to me is that when I was watching all the news about the oil spill, I just simply didn't understand why they didn't just put a boom around the entire source site. It seemed to me it wasn't that big and it would have prevented the oil from going to all these other States that we've talked about. Well, this is why—and I had no idea, and this is why I wanted to be here tonight so we could educate the American public because we're not seeing this on the news of why just having more boom is not fixing the problem.

When you look at the boom here, you can see that just by a simple small wave of not even one foot actually goes over and covers the boom area. So that's why whether you have six miles of boom or 10 miles of boom, it can only cover so much. Now, here you have workers who were actually collecting the boom that has collected some of the oil, and we can see how it has worked. But unfortunately it takes a lot of boom, and it takes completely replacing it.

More than 3.2 million feet of containment boom and 6.6 million feet absorbent boom have been deployed to contain the spill, and approximately 875,000 feet of containment boom remain. So as they watch where the oil is moving, they will have boom to move to that section.

One of the things I heard a lot about was something called ''the whale.'' They said it's large, it's from Taiwan, and it would be able to pick up all of the oil. This is a picture of the whale, as they call it. And as you can see here, here is some of the oil that the whale is picking up. Now, this whale is 1,150 feet long. It's quite an amazing site, but it's only one indication of the 20-plus international partners that we have had that the administration has been able to leverage with assets and skills from numerous foreign countries and international organizations as a part of this historic all-hands-on-deck response. Some of those countries are Belgium, Canada, China, France, Germany, Ireland, Japan, Kenya, Mexico, Netherlands, Norway, Qatar, Russia, Spain, Tanzania, United Kingdom, United Nations International, and then some.

So let's talk a little bit more about some of the particular sites. You're seeing kind of the aerial view, but we had an opportunity to actually go to some of the parishes and to see some of the impacted areas in addition to the marsh area. One of the places we went to was St. Tammany Parish. I visited this area, and they already had an operating emergency operation center, and there I met Commander Dan Precourt. Commander Precourt is the parish liaison officer for St. Tammany Parish. His position is important because what we learned from Hurricane Katrina, one of those most important lessons, was that there simply was not enough communication between local officials and the public during that disaster. But at the St. Tammany Parish Emergency Operation Center, there is a Coast Guard liaison, there is Commander Precourt, as well as a representative from BP, and many other people who are working there, working together to talk about how the agencies can solve this problem.

The public liaisons are meeting with someone face to face so that they can respond to their problem or can direct them to someone who can. Support is coming from California, Alaska, Massachusetts, and many other States. What I found interesting that we don't hear so much about with this whole spill situation is that these people are working 7 days a week, oftentimes coming in at 6 a.m., leaving anywhere between 9 and 10 p.m., and many of them actually worked on Father's Day.

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I was there on Sunday evening at about 8 o'clock, and there were still over 10 people there, working.

Tammany Parish is not one of the centers of the oil spill. In fact, it was particularly alarming to me, because I have friends and know people from Louisiana, when I heard that oil was found at Lake Pontchartrain. I thought, ''Oh, no.'' Most people know and enjoy the area of Lake Pontchartrain, but fortunately and actually—and what wasn't told and why we wanted to talk about this tonight—oil was discovered at the initial pass, which is called Rigolets Pass. At this time, the lake is fishable. We want people to know that. They are fishing in Lake Pontchartrain, and no oil has been found west of the I–10 bridge.

Thousands of men and women depend upon fishing for their livelihoods. As was said in one of the local shows this morning, we have to make sure that people know that people are still fishing, that people are still living, that people are still eating, and that they are still vacationing on the coast. The Coast Guard is trying every feasible option available to stop this spill.

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Now, before I visited and when I looked at some of the things that had been said, one of the things we heard people talking about were the impacts on wildlife and the environment. I had an opportunity to go to the wildlife fisheries with representatives both from the State of Louisiana and the United States, and we got a chance to see where they had taken many of the birds so they could be cleaned and could get extra help.

This picture is of a very dedicated veterinarian who had worked very long hours to help aid and assist the birds. This is the team that actually put up this system, which was pretty much out of wire and 2 by 4s. I mean it really was a very, what I would say, kind of archaic system, but it was working to help with the birds.

You see me there. We are talking about the pelicans that have been cleaned, how they are recovering and how soon we expect them to be returned to the wild.

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Some of the beauties of the Gulf of Mexico are the marshes, the wildlife, and all the incredible things that you see. This is one of the dedicated gentlemen whom I mentioned who works for U.S. Fish and Wildlife, Jack Bohannon. He is on the water boat, and this is what they do. They survey the marsh

area to see if oil has gone into that section so they know where to put the boom or where to make replacements.

Here you see the Coast Guard commander of this particular area. It was the protected area, the marsh section called Pass a Loutre. This is Commander Claudia Gelzer, and she has been working very hard to keep the oil out and to minimize the damage to this much protected area.

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It is somewhat hard to imagine, when you think of the oil coming in, how you would possibly stop it, or as I would kind of say, ''corral it,'' to be able to put it into a section where it could be safely burned and evaporated. This is an example of where you see a marsh area where the boom has been laid. They went out, and they found out there was an area where oil existed. They corralled it, brought it into the section. Then this is how they were able to safely set it afire.

This is another example of what I wanted to show of how you have the boom area protecting the local coast section. Very low down here, you can see where some of the oil had initially come, and that is why they have the boom area protecting this section, which is to keep the oil out.

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Now, to talk about Pass a Loutre, not only is it an incredible area in terms of marshland, of over 115,000 acres of marshland, what is also particularly important about this is that it is a preserve area as well. Unfortunately, it was right in the eye of the storm of the Deepwater Horizon, and for the oil that came out, this was one of the first spots that it came to.

What we are showing you here are the first initial marsh areas. What I want the people to see is that not all of the marsh areas, not all of the 115,000 acres, are filled with oil. That is something that I didn't particularly understand as I was watching some of the news results. You look at our going out to the boat area. You see some of the low areas where some of the oil has come. Here you see it a little bit higher. Then, in this area, you see where oil very severely came in and impacted the marsh area.

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This area is characterized by river channels with attendant channel banks, natural bayous, and manmade canals, which are interspersed with intermediate fresh marshes. Hurricane damage and subsidence have contributed to a major part of the vegetation and the marshes not being as strong as they had been in the past.

So, in this area here, I found this interesting. I rode on a helicopter for about 45 minutes and then on a boat for about 30 minutes to be able to finally get to the spot where the worst amount of the oil impacting the marshes had taken place.

So the message of what I want to say tonight is, yes, a horrible thing has happened, yes, to many areas that we love, have gone to for generations, and have cherished. But the important thing to remember is that it is not in a position where we cannot fix it with the work and the commitment to do so.

So what you see here is I'm reaching in and touching some of the oil that has accumulated here in this section. Then, on this portion here, is the actual entrance into one of the marsh canals. You can see literally where the oil just kind of traveled inside, came in and basically accumulated in this section here of what you see.

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So we look at these marsh areas and what we can do to fix them. Some of the complaints that were made were: Why didn't we have enough boom? How come we couldn't get the boom out there quickly enough? This is what is very important for people to see.

Here you can see the boom is normally a yellow color. This is where oil has come over, and you can see it only takes about half of a foot of a wave or a foot of a wave to be able to go in. Here is where they are replacing it and putting new ones out and trying to keep it out, and then, of course, they are using the booms farther out in the area.

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This, I think, was important to show in that, as the booms are collecting oil, they become filled with it. Then you have to go back out and remove them and place more in their place. So here you can see a tremendous amount of oil that had accumulated. It has been absorbed in these booms, and then they will be going out to these areas to place new ones.

Then one of the things that is also important to understand as to why the booms alone are not the answer is that, with the wind and with the waves, it begins to move them into the marsh areas, so it actually moves them out from protecting the outer area. So that's why the booms are not the permanent solution to this problem.

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As I prepared this report, what I call ''the people's Congress,'' I would be wrong not to acknowledge the efforts of Secretary Napolitano and Chairman THOMPSON for providing the access, for demonstrating transparency, and for showing a willingness to consider all of the options on the table for the betterment of America and for the American people.

In order to improve even further, here are some of the lessons that I learned from some of the things that I've shown you tonight:

Elected officials in the local area talked about the fact that we have had past exercises. We have had national exercises in the gulf regions, and so you would ask the question: Why were there some of the problems we experienced?

Some of the things they talked about were their still not being connected on the calls, the daily calls, until a couple of weeks into the situation, and the impact on the local economy, when many of the areas really were not having an extensive amount of oil. You also had people sounding the alarm, expressing their concerns of how were we going to pay for all of the recovery that was going to be required. You had others who said we weren't moving fast enough and that we needed to do more. Still others said the teams should be changed.

Though I want to talk about another area that also became very clear to me, a lesson learned.

One of the recommendations I made when we had our hearing was to say to the Coast Guard and to the Department of Homeland Security that we need to also have our own message, which is why I am here tonight. We need to make sure that we are showing the American people, as they also have an opportunity to watch, that, yes, many marsh areas have been damaged. Yes, beaches have had oil come upon them. But yes, there are many other areas where they can still come, where they can enjoy, and where we hope that our marshes will survive.

When you look at some of the reports and when you look at the current state of the situation—and even in the hearing they acknowledged—things have gotten better. A lot of that is due to now being included in those calls, it is due to the transparency of what has been happening, and to the daily updates from Rear Admiral Allen. One of the key things they talked about was having a message that was understandable and in layman's terms.

So that is why I came here tonight, because what the public had been asking for and what some of the elected officials had been asking for is just to show us what you are seeing and what we are doing in just regular terms. It is something very simple, but it basically conveys the message of what has happened.

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When you also look at some of the improvements and what we've learned and with being the subcommittee chair of Emergency Communications, Preparedness, and Response, and it's very important to look at these things. How soon was the 1–800 number up? How many claims have been filled? You look at where did the boom come from? How long did it take it to get there? How much did we already have? How many skimmers did we have? How many do we still need?

These are all the things that we have now learned and we've learned in previous spills, as well, that we need to do to be prepared for a spill, unfortunately, of this size.

Now, when we talk about layman's terms, one of the key things that I think is important to acknowledge is the Gulf of Mexico. This is a picture of a very sensitive area. You can see that the marsh is not very deep, but it's pretty much covered all the way around with boom. It's green. The

water is blue. But we are fighting on a daily basis to keep it that way, and we have 45,000 personnel who are working to fix the problem.

So when we talk about the clear lessons, some of the other things that I think that should be considered are: one, we need to make sure that as we consider how we respond to a spill, that we're prepared to make the adjustments in a hurricane season as well.

I showed you pictures of the bird estuary and where they were cleaning up the birds. They are actually in the process of moving from that area because it's not stable enough. So if, in fact, a hurricane were to come, we would lose many birds as well from that experience. So we have to be including different agencies in that emergency process and to ensure that those places are set up throughout the region so that they're ready if something like this crisis does, in fact, occur.

Another thing that we also have learned is that when we talk about communication, the National Oceanic and Atmospheric Administration is predicting an active to extremely active hurricane season for 2010, with a chance, 70 percent chance for 14 to 23 named storms. So the clock is ticking, and that's why people are working so hard to be ready.

Another key point that is very important to consider has to do with legislation. Now, I mentioned earlier some of the legislation that the House has already passed, but there are other suggestions that should be considered as well.

One of the things that we found, in terms of response and who's in charge, is that when you looked at the marsh area, the Louisiana Wildlife individual felt that if you had oil in the marsh, that you should leave it there and allow it to eventually work its way out. The United States, at the Federal level, said it's better to go in to cut it open, to flush some water to go through to remove the oil and to get it out from just sitting there. So they were having to make those decisions.

And I would venture to say that we should actually have those kinds of plans in advance. We should know that for certain parts of our country, we have marsh areas and that if, in the event there are oil spills, and I already mentioned to you that there's been 6,000 in our period of time here in the United States, that we should already have an adopted policy that we agree to of how we get the oil out of the marsh. Do we leave the oil in or do we open it up to be able to flush clear water through? That was one of the things that I asked at the hearing that we had.

Another important thing to consider with legislation is to make sure that it would have proper mitigation, and that's what I'm talking about with the marsh. We should already determine what the potential costs are. We shouldn't be waiting until something unfortunately happens and then we're trying to guesstimate.

We should also make sure that mitigation includes natural resource restoration. When you look at mitigation, it's loss of life, loss of limb, loss of property. But it's also, we have grown to know, it's a loss of our natural ecosystem as well. So when we consider funding that's available for mitigation, we need to make sure enough is there for that restoration as well.

We also need to make sure that we have adequate information that's prepared independently, not of a particular independent private source, that will actually provide us the information and say what would be required to restore our ecosystem to its natural level.

Sensitive natural resource areas can be identified early, and they can be done so to adequately protect them from an oil spill and also help with associated cleanup operations. The damage impact assessment should be thorough and it should be accurate and it doesn't have to be late. Habitat restoration is the preferred method to mitigate for impacts of natural resources from an oil spill and associated cleanup activities. A detailed mitigation plan should be prepared.

These are the things that I saw and that I learned that I plan on bringing forward with my colleagues to consider on this very floor.

When you talk about adequate funding for restoration activities, it should be provided based upon the actual cost and not what we think it might be. We should have to have time lines. There should be strict penalties, feasible objectives. There should be separate oversight from the initiators and the implementers, and, certainly, there should be periodic updates.

So when you look at the Oil and Fuel Spill Readiness Act, another piece of legislation that I think this House should consider, we shouldn't have to, when we have a spill, scramble for a couple of weeks and try and get enough boom and try and get enough skimmers and try and get enough of everything to deal with an incredible disaster. These are things based upon the depth and the amount of oil that's being pulled from the ocean floor that we should be able to consider what would be needed if, in the event, a disaster were to occur.

A readiness act would be able to have lessons learned from this Deepwater Horizon oil spill. It should include objective academic minds and expertise. It should include standards and require all emergency planning. And it should also include, as I've said, environment and wildlife as well.

Now, as we talk about what I call the people's Congress, this House is one where we have an opportunity to represent approximately 650,000 Americans, and I happen to be fortunate enough to be one of those people. And so, as I rise today and I talk about this Special Order, one of the things you find quickly being a Member of Congress is that it's your area that you represent, but you also represent—you're a United States Representative, which means you're not only looking for your district but for other districts as well.

And so when this incident happened and it fell within the committee of jurisdiction of my particular area, I felt, really, it was a responsibility because we have oil wells and pipelines in my area as well. And what happened in Louisiana could happen in any coastline in this country, and so it behooves us to be prepared and to learn our lessons.

As I've explained tonight, we can start looking forward in a constructive way. We can work together with Federal, State, and local elected officials and agencies and private partners on solving these problems. Millions of people depend upon the gulf for their livelihood, for family history, and it is home to valuable animals as a part of their families, plants, and environments.

I am optimistic. And while this is certainly one of the biggest challenges this Nation has ever faced, one thing we know for sure about the United States is that we're always ready to rebound. We don't see things as insurmountable, and we do believe that they can be made right.

The last slide I am showing you tonight is not the marsh area before the oil spill. In fact, it's after. What you see in this marsh area is that it is in its full and beautiful state. It's perfectly green. You see the canals that are there supporting it. As we continue to work to respond to this oil spill and we put the recovery things in place, we can ensure that the rest of the 115,000 acres can look again like this particular section does as well.

Mr. Speaker, I thank you for the opportunity to be able to share my thoughts, kind of a testimony of what I saw in the gulf, painting a picture for the American people of what is really happening and what so many incredible people are doing to really restore and to fix something that was originally a disaster that I think can come back to look like this particular slide does.

With that, I am appreciative for all of the efforts, as I said, of Chairman THOMPSON on our committee, Secretary Napolitano, of her working with all the Members of Congress and Senate to visit the gulf. We look forward to continuing to work, to do our lessons learned, and to put better systems in place so that we won't repeat the Deepwater Horizon oil spill.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4213. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, July 28.

Mr. POE of Texas, for 5 minutes, July 27 and 28.

Mr. JONES, for 5 minutes, July 28.

Mr. GRAVES of Georgia, for 5 minutes, today.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. GINGREY of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3250. An Act to provide for the training of Federal building personnel, and for other purposes, to the Committee on Transportation and Infrastructure.

ADJOURNMENT

Ms. RICHARDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Thursday, July 22, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 4380, the Miscellaneous Trade and Technical Corrections Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4380, AMENDING THE HARMONIZED TARIFF SCHEDULE TO MODIFY TEMPORARILY CERTAIN RATES OF DUTY, AS AMENDED

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	169	103	26	0	−305	305	0	−17	−286	0	−7	−5

Sources: Congressional Budget Office and Joint Committee on Taxation.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8456. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pasteuria usgae; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0179; FRL-8831-9] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8457. A letter from the Directors, Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the fiscal year 2011 outlay rates and prior year outlays for accounts in Function 050 (National Defense), pursuant to 10 U.S.C. 226(a); to the Committee on Armed Services.

8458. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Availability of Information to the Public [Docket ID: ED-2008-OM-0011] (RIN: 1880-AA84) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8459. A letter from the Assistant Secretary, Energy Efficency and Renewable Energy, Department of Energy, transmitting the Department's Zero-Net Energy Commercial Building Initiative Activities; to the Committee on Energy and Commerce.

8460. A letter from the Chairman, Energy Regulatory Commission, transmitting the Commission's National Action Plan on Demand Response, pursuant to Public Law 110-140, section 529(b); to the Committee on Energy and Commerce.

8461. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval of California State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District [EPA-R09-OAR-2009-0080; FRL-9169-3] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8462. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Emergency Planning and Community Right-to-Know Act; Guidance on Reporting Options for Sections 311 and 312 and Interpretations [EPA-HQ-SFUND-1988-0002; FRL-9168-7] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8463. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [EPA-R09-OAR-2010-0237; FRL-9167-6] received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8464. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, and continued by the President each year, most recently on November 6, 2009, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

8465. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2009, pursuant to Public Law 109-115, section 837; to the Committee on Foreign Affairs.

8466. A letter from the Assistant Secretary, Department of State, transmitting a report from the U.S. Global AIDS Coordinator on HIV/AIDS Prevention, Strategies pursuant to the FY 2010 Appropriations Conferance Report; to the Committee on Foreign Affairs.

8467. A letter from the Acting Associate Director for PP&I, OFAC, Department of the Treasury, transmitting the Department's final rule — Alphabetical Listing of Blocked Persons, Blocked Vessels, Specially Designated Nationals, Specially Designated Terrorists, Specially Designated Global Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8468. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2009 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8469. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing the Flying Earwig Hawaiian Damselfly and Pacific Hawaiian Damselfly As Endangered Throughout Their Ranges [Docket No.: FWS-R1-ES-2009-0036] [MO 92210-0-0008] (RIN: 1018-AV47) received June 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8470. A letter from the Branch Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Migratory Bird Permits; Changes in the Regulations Governing Migratory Bird Rehabilitation [FWS-R9-MB-2010-0020; 91200-1231-9BPP] (RIN: 1018-AX09) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8471. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska—2010-11 and 2011-12 Subsistence Taking of Wildlife Regulations; Subsistence Taking of Fish on the Yukon River Regulations [Docket No.: FWS-R7-SM-2009-0001] [70101-1261-0000L6] (RIN: 1018-AW30) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8472. A letter from the Secretary, Department of the Interior, transmitting report on the Payments in Lieu of Taxes program, pursuant to 31 U.S.C. 6901-6907; to the Committee on Natural Resources.

8473. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report detailing the progress and the status of compliance with privatization requirements, pursuant to Public Law 105-33, section 11201(B) (111 Stat. 734); to the Committee on the Judiciary.

8474. A letter from the Executive Director, Secretary/Treasurer, National Council on Radiation Protection and Measurements, transmitting the 2009 Annual Report of an independent auditor who has audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

8475. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD [Docket No.: USCG-2010-0087] (RIN: 1625-AA08) received June 29, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8476. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mitsubishi Heavy Industries, Ltd. Various Models MU-2B Airplanes [Docket No.: FAA-2009-1076; Directorate Identifier 2009-CE-019-AD; Amendment 39-16296; AD 2010-10-17] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135ER, -135KE, -135KL, and -135LR Airplanes; and EMBRAER Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No.: FAA-2010-0170; Directorate Identifier 2009-NM-127-AD; Amendment 39-16328; AD 2010-12-07] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. Auxiliary Power Unit Models GTCP36-150(R) and GTCP36-150(RR) [Docket No.: FAA-2009-0803; Directorate Identifier 2009-NE-34-AD; Amendment 39-16330; AD 2010-12-09] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International S.A. CFM56-5, -5B, and -7B Series Turbofan Engines [Docket No.: FAA-2010-0026; Directorate Identifier 2010-NE-03-AD; Amendment 39-16340; AD 2010-13-09] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Model 525A Airplanes [Docket No.: FAA-2010-0327; Directorate Identifier 2010-CE-012-AD; Amendment 39-16321; AD 2010-12-01] (RIN: 2120-AA64) received June 31, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc. 2010-25) received June 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8482. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue Loss Importation Transaction Directive #1 [LMSB Control No: LMSB-4-0110-004] received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8483. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extended Carryback of Losses to or From a Consolidated Group [TD 9490] (RIN: 1545-BJ12) received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8484. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Notice Providing Disaster Relief to Sponsors of Pre-Approved Defined Contributions Plans [Notice 2010-48] received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8485. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Regulations under the Patient Protection and Affordable Care Act [TD 9491] received June 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8486. A letter from the Secretary, Department of Energy, transmitting the Department's 2009 report entitled, ''Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board'', pursuant to Section 316(b) of the Atomic Energy Act of 1954; jointly to the Committees on Energy and Commerce and Armed Services.

8487. A letter from the Inspector General, Department of Health and Human Services, transmitting reports on Medicare provider's and plan's language access services for Limited English Proficent (LEP) persons; jointly to the Committees on Energy and Commerce and Ways and Means.

8488. A letter from the Secretary, Department of Commerce, transmitting the annual report on the activities of the Economic Development Administration for Fiscal Year 2009; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2693. A bill to amend title VII of the Oil Pollution Act of 1990, and for other purposes; with an amendment (Rept. 111–553). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 5716. A bill to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources; with an amendment (Rept. 111–554, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1549. Resolution providing for consideration of the bill (H.R. 1264) to amend the National Flood Insurance Act of 1968 to provide for the national flood insurance program to make available multiperil coverage for damage resulting from windstorms or floods, and for other purposes (Rept. 111–555). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Natural Resources discharged from further consideration. H.R. 5716 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

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. MCGOVERN (for himself and Mr. JONES):

H.R. 5803. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. CAO, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 5804. A bill to prohibit trade in billfish; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM (for herself, Mr. INSLEE, and Mr. TONKO):

H.R. 5805. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Oversight and Government Reform, 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. PINGREE of Maine (for herself, Ms. KILROY, Mr. VAN HOLLEN, Mr. NEAL of Massachusetts, Ms. LEE of California, Mr. BLUMENAUER, Mr. LUJÁN, Mr. POLIS, Mr. CLAY, and Mr. COURTNEY):

H.R. 5806. A bill to amend the Richard B. Russell National School Lunch Act to create a local food credit program; to the Committee on Education and Labor.

By Ms. ROYBAL-ALLARD (for herself, Ms. BALDWIN, Mrs. CAPPS, Ms. CASTOR of Florida, Mrs. CHRISTENSEN,

Mr. COHEN, Mr. CONYERS, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. ENGEL, Mr. HINOJOSA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. MCGOVERN, Mrs. MALONEY, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. REYES, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, and Ms. SCHAKOWSKY):

H.R. 5807. A bill to promote optimal maternity outcomes by making evidence-based maternity care a national priority, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. BALDWIN, Mr. BECERRA, Mr. BLUMENAUER, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Ms. CHU, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DOYLE, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Mr. GRAYSON, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. LUJÁN, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mrs. NAPOLITANO, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. POLIS, Mr. PRICE of North Carolina, Mr. RANGEL, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WELCH, Mr. WU, Mr. YARMUTH, Mr. DEUTCH, Mr. DELAHUNT, Mr. PIERLUISI, Mr. ACKERMAN, Mr. ISRAEL, Mrs. LOWEY, Mr. SCHIFF, Mr. DOGGETT, Mr. BERMAN, Ms. TSONGAS, Mr. HIGGINS, Mr. SABLAN, Ms. DEGETTE, Mr. WEINER, Mr. MICHAUD, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. PALLONE, Mr. ANDREWS, and Mrs. DAVIS of California):

H.R. 5808. A bill to amend the Patient Protection and Affordable Care Act to establish a public health insurance option; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. SMITH of Texas, Mr. STUPAK, and Mr. MORAN of Virginia):

H.R. 5809. A bill to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5810. A bill to amend title 18, United States Code, to provide penalties for aiming laser pointers at airplanes, and for other purposes; to the Committee on the Judiciary.

By Mr. REYES:

H.R. 5811. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo Tribe to determine blood quantum requirement for membership in that tribe; to the Committee on Natural Resources.

By Mr. WELCH:

H.R. 5812. A bill to conduct a pilot program in support of efforts to increase purchases of local fresh fruits and vegetables for schools and service institutions by giving several States the option of receiving a grant from the Secretary of Agriculture for that purpose instead of obtaining commodities under Department of Agriculture programs; to the Committee on Education and Labor.

By Mr. CASTLE (for himself and Mr. LANCE):

H. Con. Res. 299. Concurrent resolution expressing the sense of Congress regarding the establishment of committees with jurisdiction over intelligence activities; to the Committee on Rules.

By Mr. LUJÁN (for himself and Mr. SALAZAR):

H. Con. Res. 300. Concurrent resolution recognizing the 40th anniversary of the Cumbres and Toltec Scenic Railroad; to the Committee on Transportation and Infrastructure.

By Mr. INSLEE (for himself, Mr. LARSEN of Washington, Mr. BAIRD, Mr. BARROW, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. FARR, Mr. GRIJALVA, Mr. HASTINGS of Washington, Mr. HEINRICH, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. KIND, Mr. KING of New York, Mr. KLEIN of Florida, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Mr. MATHESON, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mrs. MCMORRIS RODGERS, Mr. MELANCON, Mr. MORAN of Virginia, Mr. ORTIZ, Mr. OWENS, Mr. QUIGLEY, Mr. REICHERT, Mr. ROTHMAN of New Jersey, Mr. RUPPERSBERGER, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SHULER, Mr. SIRES, Mr. SMITH of Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELCH, and Mr. WILSON of South Carolina):

H. Res. 1546. A resolution congratulating the Washington Stealth for winning the National Lacrosse League Championship; to the Committee on Oversight and Government Reform.

By Ms. WATERS (for herself, Mrs. CHRISTENSEN, Ms. LEE of California, Mr. MEEKS of New York, Ms. ROYBAL-ALLARD, Ms. BORDALLO, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. HASTINGS of Florida, Mr. CAPUANO, Mr. CLAY, Mr. BUTTERFIELD, Ms. NORTON, Ms. JACKSON LEE of Texas, Ms. CORRINE BROWN of Florida, Ms. RICHARDSON, Mr. PAYNE, Mr. MCDERMOTT, Mr. FILNER, Mr. HONDA, Mr. BACA, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mr. COHEN, and Ms. WASSERMAN SCHULTZ):

H. Res. 1547. A resolution supporting the goals and ideals of National Clinicians HIV/AIDS Testing and Awareness Day, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROYCE:

H. Res. 1548. A resolution condemning the recent violence against members of the media in the Philippines; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

347. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to Senate Resolution No. 117 memorializing the President of the United States, the Congress, and the Federal Communications Commission to refrain from regulating Internet broadband services as common carrier services under Title II of the Communications Act of 1934; to the Committee on Energy and Commerce.

348. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 36 urging the Congress to adopt a balanced budget amendment to the Constitution; to the Committee on the Judiciary.

349. Also, a memorial of the Senate of the State of Missouri, relative to Senate Concurrent Resolution No. 55 urging the President to include recreational fishing and boating in the oceans and Great Lakes as national priorities and ensure and promote recreational fishing and access to public waters; jointly to the Committees on Natural Resources and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 208: Mr. RUPPERSBERGER, Ms. KILROY, Mr. NYE, Mr. BERRY, and Mr. REICHERT.
H.R. 233: Ms. MOORE of Wisconsin.
H.R. 333: Mr. SCHOCK.
H.R. 442: Mr. EDWARDS of Texas.
H.R. 745: Mr. BERRY.
H.R. 972: Mr. ROGERS of Alabama.
H.R. 1021: Mr. CASTLE.
H.R. 1067: Mr. SCHOCK.
H.R. 1124: Ms. HIRONO and Ms. MCCOLLUM.
H.R. 1326: Ms. BORDALLO.
H.R. 1362: Mr. SCHOCK.
H.R. 1410: Mr. BERRY.
H.R. 1670: Mr. RYAN of Ohio.
H.R. 1785: Mr. MICHAUD.
H.R. 1895: Mr. LATOURETTE.
H.R. 2002: Mr. DEUTCH.
H.R. 2039: Mr. GARAMENDI.
H.R. 2057: Mr. GARAMENDI.
H.R. 2125: Mr. KIND.
H.R. 2400: Mr. MCDERMOTT.
H.R. 2575: Mr. HIMES.
H.R. 2697: Mr. CHILDERS.
H.R. 2900: Mr. PITTS.
H.R. 2941: Mr. BACHUS, Mr. DINGELL, and Mr. MAFFEI.
H.R. 3024: Ms. ZOE LOFGREN of California.
H.R. 3077: Mr. BERRY.

H.R. 3286: Mr. DEUTCH.
H.R. 3408: Mr. SARBANES.
H.R. 3463: Mr. ROHRABACHER.
H.R. 3464: Mr. PITTS, Mr. SIMPSON, and Mr. NEUGEBAUER.
H.R. 3560: Mr. DICKS and Ms. MCCOLLUM.
H.R. 3697: Mr. REHBERG.
H.R. 3765: Mr. MANZULLO and Mr. LUCAS.
H.R. 3927: Mr. ROTHMAN of New Jersey and Mr. WELCH.
H.R. 4011: Mr. LAMBORN.
H.R. 4195: Mr. KIND and Mr. KLINE of Minnesota.
H.R. 4197: Mr. CONAWAY.
H.R. 4278: Ms. BERKLEY.
H.R. 4303: Mr. MCGOVERN.
H.R. 4347: Mr. PETERSON.
H.R. 4416: Ms. HIRONO, Mr. BLUMENAUER, Mr. NADLER of New York, Mr. MOORE of Kansas, Mr. INSLEE, and Mr. HASTINGS of Florida.
H.R. 4509: Mr. CONNOLLY of Virginia, Mr. ROGERS of Alabama, Mr. GUTIERREZ, and Mr. BARTLETT.
H.R. 4549: Mr. HEINRICH.
H.R. 4601: Ms. SPEIER and Ms. LORETTA SANCHEZ of California.
H.R. 4645: Mr. BOOZMAN.
H.R. 4662: Ms. LORETTA SANCHEZ of California.
H.R. 4677: Mr. DAVIS of Illinois.
H.R. 4689: Mr. ROTHMAN of New Jersey, Mrs. HALVORSON, Ms. VELÁZQUEZ, Mr. DOYLE, Mr. DEUTCH, and Mr. BRALEY of Iowa.
H.R. 4692: Mr. CARNAHAN.
H.R. 4693: Mr. BERRY.
H.R. 4700: Ms. EDWARDS of Maryland, Mr. TONKO, Ms. CASTOR of Florida, Mr. KILDEE, Mr. MCGOVERN, Mr. QUIGLEY, Ms. DEGETTE, and Mr. CARDOZA.
H.R. 4717: Mr. POMEROY.
H.R. 4728: Mr. TURNER.
H.R. 4787: Ms. BERKLEY.
H.R. 4788: Ms. SHEA-PORTER.
H.R. 4921: Mr. ELLSWORTH.
H.R. 4972: Mr. WILSON of South Carolina.
H.R. 4986: Mr. GRIFFITH and Mr. BERRY.
H.R. 5000: Mr. KISSELL, Ms. SHEA-PORTER, Mr. FRANK of Massachusetts, and Mr. HONDA.
H.R. 5016: Mr. JONES and Mr. SCHOCK.
H.R. 5034: Mr. MATHESON and Mr. SULLIVAN.
H.R. 5040: Ms. ZOE LOFGREN of California and Mr. SCHOCK.
H.R. 5041: Mr. ACKERMAN.
H.R. 5054: Mr. SCHOCK.
H.R. 5066: Mr. BOOZMAN.
H.R. 5071: Mr. POLIS.
H.R. 5081: Mr. SCOTT of Virginia, Mr. BACA, and Mr. NEUGEBAUER.
H.R. 5095: Mr. FLEMING.
H.R. 5111: Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. LUCAS, and Ms. FALLIN.
H.R. 5137: Mr. DOYLE, Mrs. BLACKBURN, and Mr. GRIJALVA.
H.R. 5141: Ms. ROS-LEHTINEN, Mrs. MYRICK, Mr. TIBERI, Mr. BROWN of South Carolina, Mr. HALL of Texas, and Mrs. MILLER of Michigan.
H.R. 5162: Mr. SCHOCK, Mr. BONNER, Mr. CARTER, and Mr. SCALISE.
H.R. 5192: Mr. CHAFFETZ.
H.R. 5211: Mr. CLAY and Ms. ZOE LOFGREN of California.
H.R. 5244: Mr. CLAY.
H.R. 5323: Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mrs. LUMMIS, and Mrs. BLACKBURN.
H.R. 5363: Mr. SCOTT of Georgia.
H.R. 5434: Mr. PASCRELL, Mr. WU, Mr. HASTINGS of Florida, and Mr. KAGEN.
H.R. 5440: Mr. HASTINGS of Florida.
H.R. 5458: Mrs. DAHLKEMPER and Mr. TONKO.
H.R. 5462: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. ROYBAL-ALLARD.
H.R. 5504: Mr. BERMAN, Mr. AL GREEN of Texas, Ms. MCCOLLUM, and Ms. SPEIER.
H.R. 5520: Mr. BRADY of Pennsylvania.
H.R. 5539: Mr. ROGERS of Michigan.
H.R. 5554: Mr. DJOU.
H.R. 5565: Mr. AL GREEN of Texas.
H.R. 5588: Mr. FARR.
H.R. 5612: Mr. COFFMAN of Colorado.
H.R. 5662: Mr. MURPHY of New York, Mr. BACA, Ms. FOXX, and Mr. BOSWELL.
H.R. 5663: Mr. HINCHEY and Ms. PINGREE of Maine.
H.R. 5667: Mr. SCALISE.
H.R. 5718: Mr. FILNER.
H.R. 5729: Mr. ROGERS of Alabama and Mr. CONAWAY.
H.R. 5746: Mr. CONNOLLY of Virginia, Ms. NORTON, Mr. DAVIS of Illinois, Mr. BISHOP of New York, Mr. KUCINICH, and Mr. CLAY.
H.R. 5769: Mr. HUNTER.
H.R. 5791: Mr. DEFAZIO and Ms. KILPATRICK of Michigan.
H.R. 5792: Ms. KILPATRICK of Michigan and Mr. PASTOR of Arizona.
H.R. 5793: Ms. KILPATRICK of Michigan, Mr. DINGELL, and Mr. PASTOR of Arizona.
H. Con. Res. 200: Mr. MARKEY of Massachusetts.
H. Con. Res. 259: Mr. PLATTS.
H. Con. Res. 266: Mr. BOOZMAN and Mr. PAULSEN.
H. Con. Res. 281: Mr. BISHOP of Utah.
H. Con. Res. 291: Mr. SMITH of New Jersey and Mr. FALEOMAVAEGA.
H. Res. 93: Ms. HARMAN.
H. Res. 173: Mr. GONZALEZ.
H. Res. 536: Mr. CAMPBELL.
H. Res. 611: Mr. LARSON of Connecticut, Ms. DEGETTE, and Mr. MURPHY of New York.
H. Res. 771: Mr. CAMP.
H. Res. 904: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. TITUS, Mr. OWENS, and Mr. COHEN.
H. Res. 913: Mr. JACKSON of Illinois.
H. Res. 1052: Mr. NYE, Mr. MCINTYRE, and Mr. KLINE of Minnesota.
H. Res. 1226: Mr. BILIRAKIS, Mr. UPTON, and Mr. BOUCHER.
H. Res. 1251: Mr. BISHOP of Utah and Mr. ROONEY.
H. Res. 1264: Mr. SNYDER, Mr. EHLERS, Mr. GORDON of Tennessee, Mr. BOREN, and Mr. CAMP.
H. Res. 1355: Mr. HOLT.
H. Res. 1365: Mrs. MCMORRIS RODGERS.
H. Res. 1402: Mr. SMITH of Washington.
H. Res. 1428: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRAYSON, Mr. COURTNEY, Mr. KISSELL, Mr. TEAGUE, Mrs. HALVORSON, Mr. HARE, Ms. SUTTON, Mr. MCNERNEY, and Mr. FOSTER.
H. Res. 1430: Mr. STARK.
H. Res. 1456: Mr. GERLACH.
H. Res. 1488: Mr. FARR, Mr. CONNOLLY of Virginia, Mrs. MALONEY, Mr. MAFFEI, Mr. KLINE of Minnesota, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, and Mr. PLATTS.
H. Res. 1494: Mr. LATOURETTE and Mr. HARE.
H. Res. 1499: Mr. OLVER, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. CORRINE BROWN of Florida, and Mr. PIERLUISI.
H. Res. 1504: Mr. GENE GREEN of Texas, Ms. SPEIER, Mr. MCGOVERN, and Mr. MEEK of Florida.
H. Res. 1518: Ms. EDWARDS of Maryland, Mr. DAVIS of Illinois, and Ms. MCCOLLUM.
H. Res. 1522: Mr. ALTMIRE, Mr. BUCHANAN, Mr. CARNEY, Mr. CONYERS, Mr. BACA, Ms. CORRINE BROWN of Florida, Ms. DELAURO, Mr. FRANK of Massachusetts, Ms. GIFFORDS, Mr. HASTINGS of Florida, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. LEVIN, Mr. LEWIS of California, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Ms. NORTON, Mr. PIERLUISI, and Mr. ROONEY.
H. Res. 1527: Ms. EDWARDS of Maryland, Mrs. BACHMANN, Mr. SAM JOHNSON of Texas, Mr. LARSEN of Washington, Mr. MCCAUL, Mr. PITTS, Mr. KING of Iowa, Mr. HARPER, Mr. OLSON, Mr. SHADEGG, and Mrs. BIGGERT.
H. Res. 1529: Ms. DELAURO, Mr. LANCE, Mr. TONKO, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. HINCHEY, Mr. KING of New York, Mr. BISHOP of New York, and Ms. CLARKE.
H. Res. 1531: Ms. BALDWIN.
H. Res. 1535: Mr. DREIER, Mr. SHERMAN, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. CHU, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. RICHARDSON, Mrs. NAPOLITANO, Ms. LINDA T. SÁNCHEZ of California, and Mr. GARY G. MILLER of California.
H. Res. 1540: Mrs. KIRKPATRICK of Arizona.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

162. The SPEAKER presented a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3565 opposing the Public Safety Employer-Employee Cooperation Act of 2009 (S. 3194) on its own, or in any form as amendment to other legislation; to the Committee on Education and Labor.

163. Also, a petition of Wilton Manors, Island City, Florida, relative to Resolution No. 3560 opposing approval of oil drilling in Florida's waters in areas other than those already approved for oil leasing and oil exploration; to the Committee on Natural Resources.

164. Also, a petition of City of Lauderdale Lakes, Florida, relative to Resolution No. 2010-42 urging the President and the Department of Homeland Security Secretary to promptly parole in to the United States all Haitian beneficiaries of approved immigrant visa petitions and to permit them to legally work in the United States; to the Committee on the Judiciary.

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, give us hearts wide open to the joy and beauty of Your creative power. Enable the Members of this body to sense the transcendent in the beauty of the Earth and the glory of the skies. Help them hear Your music in the symphony of the seasons, in the whispering of the wind, and in the constellations of the night. May the sounds of nature's music lead our Senators to place greater trust in the movements of Your providence. Lord, give them the spiritual power they need to do Your will.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 21, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for an hour. During that time, Senators will be allowed to speak for up to 10 minutes each. The time will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes; the majority will control the next 30 minutes.

Following morning business, the Senate will resume consideration of the House message on unemployment insurance benefits, postcloture. If all postcloture debate time is used, the vote on passage would occur at approximately 9 o'clock tonight. I will continue to work with the Republican leader on an agreement to yield back time.

Upon disposition of the unemployment insurance legislation, we will move to the small business jobs bill. We will actually resume consideration of it; we have been on it before. Senators will be notified when any votes are scheduled.

UNEMPLOYMENT INSURANCE

Mr. REID. Mr. President, the power of our democratic system is that everyone has a voice. The responsibility of that system is that once the votes are cast and counted, everyone must then accept and abide by the outcome. I deeply regret that too many of my Republican colleagues have yet to learn that lesson.

Let me explain as clearly as I can what happened in the Senate yesterday and what is continuing to happen this morning. I want to explain it especially for the tens of thousands of Nevadans and 2.5 million Americans waiting for the emergency unemployment assistance they have been told is on the way.

Yesterday afternoon, the Senate moved, at long last, to within one step—one simple-majority vote—of passing long-overdue help for the unemployed. This is emergency help for those who have exhausted their insurance benefits because these days it takes longer than ever before in recent memory to find a job. This is help for people who have lost their jobs through no fault of their own. Although they are still out of work, it is not for lack of trying. These are people who have tried and tried and tried to find work, who scour job listings, who send out resumes, who fill out applications, who go to interviews, but who have not had any luck for weeks and months and, in some cases, multiple years. At last count, there is only one open job for every five desperate Americans to fill it.

So after several tries and with the help of two courageous and good Republican Senators from Maine—SNOWE and COLLINS—yesterday we moved closer to that last step by an overwhelming vote, a vote of 60 to 40. In the unique world of the U.S. Senate, 60 to 40 can be seen as a razor-thin margin, but by any reasonable measure, it is a landslide. That vote, by the way, was entirely in line with the wishes of the people we represent—the people of Nevada, the people of New Mexico, all 50 States—who overwhelmingly demand that we—Republicans, Democrats, and Independents—pass this aid. The support for this bill comes from all over the country, both from those fortunate enough to collect a paycheck and those desperate to get an unemployment check.

By Senate rules, the maximum of 30 hours can elapse between the second to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the last vote and the final vote, which requires just a simple majority of 51 or whatever the majority would be at the time. During those 30 hours, not a single letter or a single number in the bill will change. In other words, we have to wait more than a day before we can see if half of the Senate supports the exact same bill a supermajority supported the day before. That might not make much sense for those who do not follow the Senate every day or even those who follow the Senate every day. I understand that. In fact, historically, both sides have been able to come together and reasonably say: 60 is more than 51, so let's just move on. They have said it. They have said: It is not our time to waste; it is the American people's time. But that is just not how things work in the new Senate and not with this Republican leadership. The minority—which, it is worth repeating, has already lost the debate and lost the vote on this issue—has decided to squeeze out every last second of that time, until they have no more delaying tools at their disposal, until they have no more procedural tricks up their sleeves, until they can no longer forcibly keep emergency unemployment checks out of the hands of the desperately unemployed.

The Republican leadership, supported by the overwhelming majority of its caucus, has stood—actually, what they have done is stand in front of a burning house and they have said: Everyone wants us to put out the fire, but we are going to sit back and wait a while before we turn on the firehoses. This really is a dark day in the Senate and some feel brings shame to the institution. But more than that, it hurts the very people we were sent here to help. Why would someone in public service do such a thing? Why would they be so callous? I do not know. I am really at a loss.

Perhaps the overwhelming majority of Republicans think that since they have turned their backs on the unemployed for so many months, what is another few days? Perhaps they think that when unemployment goes up, their poll numbers go up also. Perhaps they look at this widespread misfortune and see an opening for their political fortunes or perhaps they have convinced themselves that the longer the unemployed suffer, the less likely they are to notice who is holding back the relief they need.

It has long since been established that the unnecessary delays the Senate Republicans have forced surpass every possible historical record and defy every historical precedent. They defy both fairness and logic. But when we look back at the unparalleled abuses of this new Senate, this will be among the lowest points.

It is abundantly clear there are differences of opinion in this Chamber on who is worthy of unemployment insurance and on how to fund the emergency assistance. Differences of opinion are why we are here. But that is no longer the debate. We have already fought that fight. In fact, we fought it over and over these past weeks. Now it is over. Whether by 60 to 40 or 100 to 0, it is done.

So this is where we stand: The votes have been cast and counted. The House has overwhelmingly voted to extend emergency aid. The Senate has overwhelmingly voted to extend emergency aid. The President sits, pen in hand, ready to sign this bill into law the minute it lands on his desk. As soon as he does, the checks will go out and so will the fire.

Millions of Americans are waiting but not for the spoils that will make them rich or jackpots that will help them buy luxuries they do not need. No, millions are waiting for a fraction of their old income, checks that will help them put food on the table this week, keep a roof over their heads this month, and keep the air-conditioning on this summer. But the clock continues to tick. The unemployed continue to suffer. And too many of our Republican colleagues—who for years have proven they have never seen an economic crisis they could not turn into a political opportunity—continue to prove they have never seen an opportunity they cannot turn into a crisis.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FINANCIAL REGULATORY REFORM

Mr. MCCONNELL. Mr. President, later this morning, the President of the United States will sign a financial regulation bill that was sold to the American people as a way of reining in Wall Street. Anyone who believes that did not read beyond the cover sheet because if they did, they would discover instead a far-reaching government intrusion that was endorsed by Wall Street and opposed by Main Street. Citibank thinks it is great. Your local florist thinks it will undermine their business. When you cut through all the talking points about what financial regulation will do, the practical, real-world effect of this bill in the near term will be job loss. That is the real story.

For more than a year and a half, the President and his Democratic allies on Capitol Hill have pushed an antibusiness, antijobs agenda on the American people in the form of one massive government intrusion after another. And then they celebrate. Well, Americans are not celebrating. Three million of them have lost their jobs since the Democrats launched their stimulus. The folks who lost those jobs certainly are not celebrating. Small business owners are already being hammered by the health care bill. They are not celebrating. And the people who thought this Wall Street bill was supposed to rein in Wall Street? Well, they are not celebrating either. They are upset, and rightly so.

As I stand here this morning, millions of Americans are struggling to find jobs. Yet all they see in Washington is Democrats passing massive bills that at their core seem to have one thing in common: more job loss. It is almost as if it is a prerequisite for any Democratic legislation—if it leads to more job loss, they will pass it. Americans are tired of this kind of ''reform.'' Job-stifling taxes, regulations, government intrusion—these appear to be the three pillars of every Democratic legislative effort. They are also the three things lawmakers can do that are guaranteed to kill more jobs.

That is why it should not be a surprise to anyone that unemployment has been scraping double digits since Democrats started ramming these so-called reform bills through Congress.

As a result of the health care bill, small businesses, student loan centers, tanning salons, medical device manufacturers, hospitals, and major American employers have all either laid off employees or are trying to figure out how not to. Just this week, we read a report that during the process of the auto bailout, this administration decided to shut down auto dealers, without cause, effectively costing thousands of Americans their jobs.

And now a financial regulatory bill that does nothing to reform the government-sponsored enterprises that many people believe to have been at the root of the financial crisis this bill grew out of, that was meant to rein in Wall Street but now is supported by some of Wall Street's biggest banks, and that is meant to help the economy but which is expected to stifle growth and kill more jobs.

The American people are connecting the dots. They do not think this bill will solve the problems in the financial sector any more than they think the health care bill will lead to lower costs or better care, any more than the stimulus lowered unemployment.

Then there are all the unintended consequences of these bills. Just yesterday, we learned that the financial regulatory bill—a bill that was supposed to put an end to the notion that some institutions are too big to fail—may now have created a new set of institutions that are too big to fail. It was reported yesterday that some of the economists and experts who have studied this bill are worried it could leave taxpayers on the hook in the event a new derivatives clearinghouse takes on too much risk.

So a bill that was originally meant to prevent a situation such as the one we faced in November of 2008 that was meant to prevent bailouts will add to the list of institutions that are counting on getting bailed out.

That is on top of all the new regulations businesses are going to have to deal with as a result of this bill.

All told, this bill would impose 533 new regulations on individuals and small businesses—regulations that will inevitably lead to the kind of confusion and uncertainty that will make it even harder for struggling businesses to dig themselves out of the recession.

It is just this kind of uncertainty that will continue to deter lending and freeze credit as lenders wait to see how they will be affected by the new regulations. And it is just this kind of uncertainty that businesses cite time and again as one of the greatest challenges to our economic recovery.

The White House will declare this bill a victory. But for millions of Americans struggling to find work, for millions of small business owners bracing themselves for all the new regulations they will have to deal with, or ordinary Americans who wanted to see an end to the bailouts, this bill is no victory. When out-of-work Americans see Democrats celebrating today, what they will see are lawmakers who have completely and totally lost touch and who have lost the trust of the American people.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WALL STREET REFORM

Mr. REID. Mr. President, some believe that if you say something long enough, even if it is without any factual basis, people will start believing it.

To think that banks—Wall Street—liked Wall Street reform is a stretch beyond our ability to comprehend. We needed to do something because Wall Street hurt America. They had a pretty good deal going there. They could use our money and gamble it—different than Las Vegas. They could gamble our money, and if they won, they kept it; if they lost, they came back to us for help. That is a good deal, and we have stopped that.

Does anyone think we should leave things the way they are? That was a crisis waiting to happen again. George Bush's Secretary of the Treasury Hank Paulson, when this bill passed, said it was a fine piece of legislation. I am paraphrasing what he said. Knowing Hank, that is about what he said. He liked the legislation, and he should know. He was President Bush's Secretary of the Treasury when this collapse took place.

This is all so quite interesting. My friend says that the stimulus has caused job loss. Again, that is without any factual basis. In fact, it is just the opposite. It saved or created 3 million jobs. Remember, we still have low unemployment because that started during the Bush years back in 2006 when the economy started faltering. As an example, in the last 6 months of the Bush administration, 3 million jobs were lost.

Health insurance: Always they talk about health insurance. But remember, any poll we see today, the majority of the American people support what we did with health care. My friend was at a meeting we had yesterday, and we saw those numbers spread across the film we were shown.

Also, the reasoning is quite unique. My friend says we bailed out the auto industry. Isn't that a good thing we did? Isn't it a good thing today in America we have an automobile manufacturing sector? If it had been up to them, General Motors would be gone. If it were up to them, Ford Motor Company would probably be gone. Chrysler would definitely be gone. We decided they needed help, just as New York City needed help 25 years ago or so. They came out very strong. We are making money on what we did in investing in Detroit's automobile industry.

It is also interesting—I have seen this at home—some of my Republican friends criticized me for the bailout, the stimulus. Then I was criticized because I did not get more money.

In a little bit, I am going to go down to one of the Federal buildings for a signing of the Wall Street reform bill. What an important day for this country. After this financial collapse, we have reined in Wall Street. That is a day for celebration.

Think how much better this bill could have been had we had a little cooperation from our friends on the other side of the aisle. But we did plenty and, as has been said and written, it is the most significant change in the financial world since the Great Depression.

The mere fact that one says something that is without foundation a lot of times and simply is untrue does not make it truthful the more times one says it.

Will the Chair announce the business for the day?

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, the Senate will now be in a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

The Senator from Kentucky is recognized.

KAGAN NOMINATION

Mr. BUNNING. Mr. President, today I rise to speak on the nomination of Solicitor General Elena Kagan to be a Justice on the United States Supreme Court.

After much consideration, I cannot support this nomination. I have been following this progress very closely. I have been reading her memos and other documents from her career, and I watched her confirmation hearings before the Senate Judiciary Committee. I met with her one on one and was able to ask her eight different questions. Unfortunately, I find her unsuitable to serve a lifetime appointment as a member of the U.S. Supreme Court.

When I spoke on the nomination of Justice Sotomayor last year, I pointed out the problems of the Supreme Court and other judges trying to replace Congress and State legislatures. Important social issues have been taken out of the political process and decided by unelected judges. I can say for certain that this is not the way the Founding Fathers and the authors of the Constitution intended for it to work. The creation of law is reserved for elected legislatures chosen by the people. The Supreme Court is not a nine-person legislature created to interact with or replace the U.S. Congress.

When judges and Justices take the law into their own hands and act as if they are a legislative body, it flies in the face of the Constitution. Because of this, whether it is the Supreme Court or the lower courts, many people have lost respect for our judicial system. This cannot continue to happen.

In addition to the obvious constitutional concerns, if some day the public and the rest of the political system begin to tune out the courts and ignore their decisions altogether, it would be very dangerous for our country. I opposed Justice Sotomayor's nomination because I did not feel she understood this. I am afraid I have to say the same for Ms. Kagan.

The first problem I wish to discuss is her lack of experience. According to a Congressional Research Service analysis, Justices without prior judicial experience practiced law for an average of 21 years before their appointment to the Supreme Court. Recent polls have shown that an overwhelming majority of Americans feel that prior judicial experience is an important qualification to be a Justice on the Supreme Court.

Of modern Supreme Court Justices, former Chief Justice William Rehnquist was the last person nominated without judicial experience, and that was almost 40 years ago. However, Chief Justice Rehnquist was a practicing attorney for years prior to his nomination.

Ms. Kagan herself said:

> It is an embarrassment that the President and Senate do not always insist, as a threshold requirement, that a nominee's previous accomplishments evidence an ability not merely to handle but to master the ''craft'' aspects of being a judge.

Prior to her appointment to the Solicitor General's job in 2009, Ms. Kagan was a stranger to the courtroom. She never tried a case to verdict or served as a judge. She argued her first case as

a lawyer less than 1 year ago. While Ms. Kagan has a very extensive background in the law, both academically and politically, I do not believe she has mastered the craft of judging.

I have serious concerns that Ms. Kagan will have a very hard time separating her personal views from the legal interpretation of the Constitution. While Ms. Kagan was dean of Harvard Law School, she banned military recruiters from the Harvard campus during a time of war because she believed the don't ask, don't tell law, developed by the Clinton administration in which she served—she called it a ''moral outrage'' of the ''first order.''

She worked for Bill Clinton in his administration. She argued that the Solomon amendment, which Congress passed, despite its plain text and plain congressional intent behind it, allowed law schools to bar access to military recruiters. Ms. Kagan herself wrote an e-mail to the Harvard community that in barring recruiters, she was acting in the hope that the Federal Government would choose not to enforce the law of the land. I find it very troubling that a nominee to the Supreme Court would change school policy and disregard Federal law during a time of war because of her own personal beliefs. Fortunately, not a single Supreme Court Justice agreed with her position and noted that her interpretation was rather clearly not what Congress had in mind.

As associate White House counsel to President Bill Clinton, Ms. Kagan played a critical role in the debate over partial birth abortions and did everything she could to halt legislation going through Congress to ban that horrible procedure. She worked with the medical groups supporting the practice, rewriting their scientific conclusions to better reflect her preference on partial-birth abortion. The Supreme Court relied on this language in their decision to overturn a Nebraska law banning this procedure. It appalls me that someone with no medical background would try to alter scientific conclusions to defend such a monstrosity of a procedure.

In one memo, she advised President Clinton to support a Democratic alternative in order to ''sustain [his] credibility on [the issue] and prevent Congress from overriding [his] veto.'' This is concerning behavior from someone who now wishes to serve on the highest Court in the land. If she was willing to rewrite scientific conclusions, who is to say how far she would go with rewriting the Constitution?

I also have serious concerns about Ms. Kagan's hostility to second amendment rights. While she was clerking for the Supreme Court Justice Thurgood Marshall, Ms. Kagan was asked to consider a case similar to the 2008 Heller case, in which the Court struck down the DC gun ban and found that the second amendment confers an individual right to keep and bear arms. In examining this earlier case, Sandidge v. U.S., she wrote that:

> Mr. Sandidge's sole argument is that the District of Columbia's firearm statute violates his constitutional right to ''keep and bear arms.'' I am not sympathetic.
>
> Those were her words.

It is not the job of the Supreme Court or any other court of the land, for that matter, to be sympathetic. That belongs best in legislatures which can reflect the wishes of the people who voted for the Members of those bodies.

Recently, supporters of individual rights and liberties won an important victory when the Supreme Court ruled in the McDonald case that the second amendment was a fundamental right that is binding to all the States. I fear her appointment to the Supreme Court could undo the progress from the Heller and McDonald decisions that recognize Americans have the right to defend themselves. Throughout her confirmation hearings, Ms. Kagan repeatedly stated she would accept the Heller and McDonald decisions as settled law. In her confirmation hearings, Justice Sotomayor also appeared to accept the second amendment rights. Specifically, Justice Sotomayor said she understood '' . . . the individual right fully that the Supreme Court recognized in Heller.'' However, in her first year on the Court, she joined the dissenting opinion in McDonald saying:

> I can find nothing in the Second Amendment's text, history, or underlying rationale that could warrant characterizing it as ''fundamental'' insofar as it seeks to protect the keeping and bearing of arms for private self-defense purposes.

Finally, I was not satisfied with Ms. Kagan's responses regarding the commerce clause and the limits of power of the Federal Government. Right now, we have the government taking over each sector of our economy, from banking, as the majority leader and minority leader spoke about, and the auto bailouts, which they both spoke about, to an unprecedented takeover of our health care system. In her testimony, Ms. Kagan left no doubt that she sees virtually no limit on congressional power. This is extremely frightening to me, to say the very least.

The Framers of the Constitution made it very clear what the role of the Court should be. Anyone appointed to the Supreme Court must be willing to evaluate laws as they are written under the plain meaning of the Constitution. A Justice should not be appointed in order to achieve specific results in any case. We have no judicial record of Ms. Kagan's to look at to see how she would rule in any of these such cases. We only have a record as an academic and a political adviser to look at as her qualifications to be a Supreme Court Justice. While Ms. Kagan has a very impressive background, I do not have faith that she would fully respect the roles of the judiciary and the legislative branch.

I am very sorry to say for just the second time while serving in the Senate that I will have to oppose a nomination to the Supreme Court, and I am not happy to do so. However, it is the constitutional role of the Senate to provide confirmation for this position and my duty as a Senator to be a part of this process. On viewing the record of Solicitor General Kagan, I do not find her to be a suitable candidate for a Justice of the Supreme Court of the United States and will vote against her whenever the Senate considers her nomination.

I thank the President, yield the floor, and note 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. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. REED. Mr. President, yesterday, the Senate voted for cloture on the unemployment insurance extension bill. Unfortunately, we are still delaying and deferring the final vote on this measure. This is essential to millions of Americans who need the money they receive—which, frankly, it is not a huge amount. In Rhode Island, the average weekly unemployment compensation is $360 a week. But they need to have some certainty that this program is going to be there at least for the next several months.

We have made a lot of points rhetorically. Now it is time to take the final vote, to move forward, and to deal with a more fundamental issue; that is, how to create the jobs—now that we are providing some assistance to those who are unemployed. How do we go ahead and further create jobs in this economy so our unemployment rolls shrink?

That task is challenging. We have taken 2 months now to get to this juncture. In the past, extending unemployment compensation was a bipartisan initiative. It was done routinely and repeatedly. It was always extended as long as the unemployment rate was at least 7.4 percent. Today the unemployment rate nationally is 9.5 percent. In my State of Rhode Island it is 12 percent. We are not alone. There are many States that are very much mired in a huge economic crisis.

The other factor of this unemployment situation is that it has been a long-term unemployment for so many people, nearly half of those unemployed. So the money they put aside, the rainy day money, the money they put in the coffee can for that special occasion or that special treat, has long been exhausted. This unemployment compensation is absolutely essential for people.

There are many on the other side who will stand and say: We are all for unemployment compensation; we just want to pay for it. Well, historically, we have not paid for it. It is truly an emergency expenditure.

The other factor that is critical to notice is that unemployment compensation does not add to the structural deficit. That is in sharp contrast to the tax cuts, which my colleagues on the other side are urging be extended without paying for them, and in sharp contrast to the largest expansion of an entitlement program since the 1960s, the Medicare Part D Program, which was not paid for. Those programs do add to the structural deficit because they are not replenished periodically in the good times because people qualify for them as soon as they hit an age—65—or as soon as they qualify by filing their income taxes. Those are structural deficit issues. Yet the other side says that is not important. I can't figure that out.

If the deficit is so overwhelming, so all-consuming, then why are my colleagues on the Republican side, first, suggesting we extend all the tax cuts of the Bush years without any offsets; and why did they, in the past, vote for the creation of Medicare Part D, really? Why did they vote for 2 wars that were unpaid for? There is something inconsistent in that.

As I pointed out, unemployment compensation is not a problem of structural deficit because, as the economy recovers, people will continue to pay into the unemployment compensation trust fund through payroll taxes. In good times those funds increase so that in the unfortunate times we can provide assistance.

What we are doing now with this legislation is recognizing that this is a particularly challenging moment for families and for States, and they need further assistance. Part of the legislation we have is fully compensating the States for the Extended Benefits program, which, in other times, are shared 50 percent by the States and 50 percent by the Federal Government. In these extraordinary times, we have to pass this legislation.

We also recognize, too, in terms of the offsets of the legislation, that this is part of our overall attempt to stimulate the economy. For every dollar of unemployment benefits, there is at least $1.60 or $1.90 in economic activity. It makes sense. When they get that $360 a week, they take whatever resources they have and they go to the store. They don't go off jetting to Europe on a vacation. They go to the store and buy food, clothes, and those things that are essential to their families.

Mr. President, I am continually baffled by the reluctance, the resistance, and the obstruction of the other side in terms of doing what has to be done, and done promptly. It will be done in a way in which it will assist the recovery that we are beginning to sense throughout the country.

I note the arrival of my colleague, the junior Senator from Rhode Island. I think he is about to take the floor.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The junior Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first of all, let me compliment the work of my senior Senator, JACK REED, on this issue. When I first came to the Senate 3 years ago, Senator REED had already established his reputation as somebody who fought passionately for unemployment insurance for people who were out of work. He understood that a family who is out of work, through no fault of their own, very often has the unemployment insurance they and their employers have contributed to as their only lifeline; that as our vibrant economy goes through ups and downs, there are times when individual families pay a terrible price when the economy contracts, when jobs are lost, and when individual families have to make what Vice President BIDEN called that ''longest walk'' up the stairs to tell their kids, their families, they have lost their job.

At that time, that lifeline for a hard-working family who, through no fault of their own, is out of work is all important. Senator REED knows that well. He has been a champion on this issue, not just when it has been at the forefront of national attention as it is right now, but day in and day out, constantly fighting for the people in Rhode Island and folks across this country who need this lifeline.

I wanted to say a few words to echo Senator REED's comments. Rhode Island still has 12 percent unemployment. We have the fourth worst unemployment of any State in the country. It has been that way month after month after month after month, with individual families paying the terrible price of the economic consequences of something that took place well outside of Rhode Island. It was Wall Street that collapsed. It was the big Wall Street banks. It was the bets by the Wall Street banks in a wild derivatives market, a wild mortgage security market, that tanked this economy, that required emergency action by Congress to try to put it right before a real depression ensued, and that kicked off the great recession that we have been suffering since then. That great recession washed like a tsunami across our country, and it hit particularly hard in my home State of Rhode Island.

In Rhode Island, we have 70,000 families who have somebody out of work. It is actually probably more than that because the unemployment numbers tend to undercount the actual harm. But the official count is over 70,000 families. I can promise you this: There aren't 70,000 jobs waiting around for those people in Rhode Island. They are just not there.

The notion that the Republican side has often developed, which is that unemployment insurance contributes to unemployment; that people who are looking for work need a little bit more motivation to go out there and take a job, and if you could just threaten their families' survival, threaten their ability to have food on the table, threaten their ability to stay in their homes, and threaten their ability to afford health care, they will then be motivated enough and will go out and get those jobs—I don't know where they get that from, but it is not from Rhode Island. We are a hard-working State. We don't have the jobs to take 70,000 people and put them back to work as this economy just haltingly now begins to recover.

Six-thousand Rhode Islanders have lost their emergency unemployment insurance benefits because of the stall tactics of the other side of the aisle; 2.5 million Americans across the country have lost their benefits. Those sound like big numbers. Behind every one of those 6,000 Rhode Islanders is a family story, a story about an individual who has to face some hard choices about whether they are able to pay the mortgage, whether they are able to buy new clothes for kids when the kids go back to school, whether they are able to pay for their medications, whether they are able to simply keep food on the table and a roof over their heads.

It certainly played a crucial part in preventing economic disaster for Sandy in Warwick, RI, who is 60 years old. She has a background in accounting. She has been unemployed now for 13 months and is trying to find a job in that tough, tough, tough, Rhode Island economic climate. She has applied for about 100 jobs. She is out there working. She is out there trying to find a place where she can put her skills back to work the way she always did, but no luck so far.

Her lifeline was unemployment insurance. If the Senate Republicans had been successful in their filibuster of this unemployment insurance, Sandy would have lost what is now her only remaining source of income. The consequences of that, obviously, are catastrophic for Sandy, for the other 6,000 Rhode Islanders in that position, and for 2½ million Americans around the country.

The great argument we hear our friends on the other side make is: We understand how painful this is going to be. We understand that people are going to have to come home and tell their kids we are going to have to move. We can't keep our home any longer. You are going to have to pack up your bedroom, put the stuffed animals in a box, and we are all going to have to clear out because I simply don't have the income.

Crossroads, our biggest shelter in Rhode Island, is packed. We have people sleeping in conference rooms. But the Republicans say: You know, we understand that is tough. We understand if you can't pay for medication for your spouse, that is tough. As people start to think about heading back to school in September, and you can't pay for clothes for the kids, you can't pay for pens, pencils, and schoolbooks, that is tough. But something more important is at stake here, they tell us, and

that is our national debt. We have to worry about that more than the care of American families who are out of work, through no fault of their own, because of the wild spree that Wall Street took under the Bush administration.

I would think more of that argument if it were at least consistent, but it is not consistent. It is an argument that they apply when regular working families are out of work through no fault of their own because of the Wall Street meltdown from the Bush policies. That is when they get all excited about how important the deficit is. But when it comes to, say, oh, tax cuts for billionaires, tax cuts for corporate CEOs, well, then a different rule prevails. Then the debt isn't so important. Then the deficit isn't so important. What is more important are the folks with the big salaries—the CEOs earning on average these days 400 times what a regular average salaried worker gets paid—400 times more every day than the average worker. That is the kind of tax cut that is more important than the deficit.

I saw this cartoon the other day, and I wanted to share it on the Senate floor. I thought it was a pretty good description of where we are on this. Here are our friends on the other side. It says ''Senate GOP'' on this cranky fellow's hat, and a little cat on the front of the boat says ''jobless benefits,'' if you can't read it. The fellow is saying to the little cat on the front of the boat: Too much weight. You get off the boat into the water. You are on your own. We don't care. Actually, it ends at get off the boat. I added the rest. On the back of the boat we see tax cuts for the wealthy.

But the Republicans do not see that. They do not worry about that. They are not concerned about that. Since the estate tax went to zero, four estates have been reported in the media of more than $1 billion—more than $1 billion. Each estate has gone through tax free, at a cost to the Treasury, at a cost to the deficit and the debt of hundreds of millions of dollars, and not a peep—not a peep—from the other side from those who are concerned about the deficit, when that is the issue. But you get a poor family out of work, one lifeline left keeping them in their home, one lifeline left keeping food on the table, and giving that lifeline the chop is something they are all for. That is something they are all for.

Well, fortunately, what happened here in the Senate yesterday is they lost. They didn't lose on a fair-and-square up-and-down-majority-rules vote. They lost on a 60–40 filibuster vote. They made us win by 20 points. Not just majority rules, the way it is in most places, but they forced us to 60–40 and we still won. So the unemployment insurance benefits should begin to flow to those families who are in such distress right now, and wondering how they are going to make it through the next day, through the next moment.

But it is not enough for them, once losing the debate, to simply pick themselves up, dust themselves off and, like good sports, go on to the next disagreement. We have other things we will disagree about. Nope. That is asking too much of our friends, unfortunately, to have that kind of good sportsmanship—to stand up, get back on the field and go back to the battle. We have to burn 30 hours of Senate floor time to no purpose. We can't do other work during this period. We can't do amendments during this period.

We know how the vote is going to come out. Literally, no possible purpose is accomplished by requiring us to burn the 30 hours, except two things for sure will happen. One thing for sure that happens is that all those families out there—those 6,000 Rhode Island families, those 2½ million families across the country—will have to wait a little longer. They have been stretched to the very end of their budgets and they are hanging on by their fingernails. But instead of saying: Fair and square, okay, we tried. We threw up every obstacle we could, but we lost 60–40, so let's go on to the next thing—nope, they are going to make them hang on for another 30 hours.

The other thing they accomplish through this is that they burn Senate floor time. The Good Lord only gives us so much time. You can't get minutes back when they are gone. You can't get hours back when they are gone. You can't get days back when they are gone. We have a lot of work to do in this Chamber, and our friends on the other side would like to have us do as much work as possible in as little time as possible, because, frankly, they want as little done as possible. So it actually suits their goal to burn floor time to no effect here on the Senate floor.

So that is what we are doing. I am here alone right now. Senator REED was here alone a minute ago. I suspect that when I leave, we will go back into a quorum call and time will tick, tick, tick, tick past with nothing being accomplished here. We could be working on jobs legislation. We sure need that. We could be working on energy legislation. We sure need that. There are a host of things Americans want us to be working on. But the Republican side of this Chamber has a strategy to prevent anything from getting done. Their policy is saying no, no matter what the question is—that is their answer, no matter the proposal—as long it comes from the Obama administration. That is their purpose, and they achieve that purpose when they burn this time.

So here we are on the Senate floor with time ticking away, second by second, minute by minute, accomplishing nothing other than burning 30 hours that, frankly, belongs to the American public. These are 30 hours we should be accomplishing the public's business, moving on to the next issues and going forward.

I would hope that, if nothing else, out of the spirit of good sportsmanship, our friends on the other side would call this off and say: All right, enough. We wish we had won. We want a world in which the deficit only applies to unemployment benefits for working families and we get to dig big holes in the debt and the deficit when it is our tax cuts for the wealthy, but we lost on that one. Let us move on. We will take the hand up off the field, we will dust ourselves off and move on to the next one. If for no other reason than good sportsmanship, I would hope they would do that and call off this period of delay.

That would also allow us to get to other business. We may disagree, but we might as well get to the business. We might as well have these arguments out. We might as well have our fight. Let's not just kill time here. So I hope my colleagues will reconsider. Time ticks away, awasting here. Everybody has work to be done. The American people await us, particularly on jobs legislation. There is an enormous amount we could do to help them if we could simply get to it.

We have a small business bill we are trying to tee up that would provide enormous value to the economy, including in particular Rhode Island, where small business is so important. Small business is the heartbeat of Rhode Island's economy. To the extent we can provide additional capital and support for small business, we could get to that. We could be working on that right this minute instead of being stuck in this long delay, in this empty Chamber while 30 hours ticks uselessly away because our friends simply can't dust themselves off after their defeat, stand up and go on to the next issue. They have to force this long 30-hour stall.

I thank the Presiding Officer again for the time, I yield the floor, and 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. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message on H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an Act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid amendment No. 4425 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid amendment No. 4426 (to amendment No. 4425), to change the enactment date.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

UNEMPLOYMENT INSURANCE

Mr. KYL. Mr. President, in the Rose Garden on Tuesday, President Obama stood with three long-time job seekers and reminded us that out-of-work Americans want to find work, and no one here, of course, questions that. I hear every day from Arizonans who look for a job day after day, week after week. They are just getting by.

I realize that few things can be more frustrating and demoralizing than struggling to find a job and that the effects of unemployment for families are deep and severe.

President Obama would have the American people believe congressional Republicans have been blocking an extension of unemployment benefits in order to make some political point. He accused us of this again on Tuesday and claimed we are refusing to help out-of-work Americans.

I wish to set the record straight. This is not a dispute about extending unemployment benefits. There is broad bipartisan agreement that we should do that. Republicans have voted several times in the past to extend benefits. I have.

The dispute, rather, is over who should pay for those benefits. Should we finance this $34 billion obligation in the short term with a loan from a foreign government and pass the tab on to our kids and grandkids or should we pay for it now by cutting other Federal spending? That is the question. It is a matter of who is going to pay for the benefits we provide to people.

I do not think we should be sending that tab to our kids. I believe we should pay it now. This is our generation. This is our problem today. We have an obligation to help take care of our fellow citizens when they are in time of need. We should find a way to pay for that. Our kids and grandkids are going to have their own problems in their day. We do not need to compound those problems by adding our obligations to those that they will need to deal with.

Republicans have offered an array of constructive solutions to the problem, proposals to pay for what we are spending, including using unspent money from the President's failed stimulus package. Almost half that money remains available.

We have tried five times to pass an extension of unemployment benefits that does not add to the debt. But our Democratic colleagues have repeatedly rejected our proposals. So the principal they are defending is not the need for unemployment insurance extension, it is that they will not pass a bill unless it adds to the debt. They will not pass a bill to extend unemployment benefits unless it adds to the debt.

The extension likely would have passed weeks ago if Democrats had simply agreed to pay for it now by cutting other Federal spending. In this $3 trillion budget that we have, obviously, there are plenty of places for us to find the offsets. Our national debt has been increased again and again during this recession. That creates long-term burdens for everyone—the employed, the unemployed, and generations to come.

While President Obama argues that we have increased the debt in the past to pay for other items, I will note that we were not in the middle of a debt crisis back then, for one thing. I suggest we pass a bill that is paid for now and recalibrate efforts to encourage private sector job creation.

As unemployed Americans know, while unemployment benefits provide a lifeline, they are only a temporary fix. They are not a substitute for new private sector jobs. I will venture a guess that everybody who is unemployed today would much rather have a job tomorrow than another check from the government for unemployment benefits.

So what do we do to create jobs and get the economy moving again? Well, you do not do it by borrowing more money. The President's job-creation initiatives have been a bust. Since his enormous stimulus bill passed in February of 2009, the private sector has lost over 2 million jobs.

While there has been some anemic economic growth since the recession started, employers are still clearly reluctant to hire. That probably has to do with the reality that businesses, both small and large, look down the road. They see massive tax increases beginning next year, on top of all the new regulations imposed by this administration.

They hear about a proposed national energy tax and proposed new pro-union policies. So they are reluctant to take a chance on the future because of all the uncertainty and the burdens we have already placed upon them. The key to job creation, and thus helping unemployed Americans, is having stable and sound policies in place for employers to make long-term decisions.

More spending, taxing, regulating, and debt are not the answers. I would hope we can find a way to extend unemployment benefits without asking our children to pay the tab for this generation's problems.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY

Mr. CARDIN. Mr. President, the oil disaster in the Gulf of Mexico has dominated the headlines since April 20. Because of that tragedy, we are more aware than ever of the important role great water bodies and the rivers that feed them play in our economy, our environment, and even our sense of who we are as a people.

Late last month, the Environment and Public Works Committee reported out a number of bills addressing America's precarious water resources. The committee approved a bill to hold BP accountable for the devastation it has caused to the people and the ecosystem of the gulf.

As all of America has seen in the morning newspapers and nightly news accounts, the current $75 million limit on oilspill liability damages represents a very small fraction of the actual costs of the damage done by BP. Senator MENENDEZ's bill, S. 3305, which the committee adopted, will make sure that BP is legally bound to honor its pledge to pay all legitimate claims. I am proud to be a cosponsor, and I look forward to the adoption of this legislation by the full Senate.

As we do everything we can to make sure the BP Deepwater Horizon disaster is not a knife through the heart of the Gulf of Mexico's ecosystem, we know that other great water bodies are also suffering. We are responding to those troubled waters as well. The Puget Sound, Columbia River Basin, Great Lakes, Long Island Sound, San Francisco Bay, and, yes, the Chesapeake Bay, are each special and iconic, yet each is threatened by degraded water quality.

Marylanders know from our experience with the Chesapeake Bay, just as the residents of the gulf are demonstrating for all Americans, that the health of these water bodies is critical to sustaining regional economies, plant and animal species, our cultural heritage, and our treasured way of life that has been passed on from generation to generation. The National Academy of Public Administration has recommended ''making large-scale ecosystem restoration a national priority.''

Large ecosystem programs, from Long Island Sound to the Great Lakes to Puget Sound, are addressing some of the Nation's most complex water resource management challenges. For this reason, EPA's strategic plan prioritizes protecting these ecosystems as a complement to their core, national water quality programs.

The Water and Wildlife Subcommittee that I chair has devoted considerable time to the Chesapeake Bay and, more recently, to the other water body bills.

I thank Chairman BOXER for her strong support on these bills, for her

help in shaping the legislation, and for marshaling these bills through the full Environment and Public Works Committee.

Throughout my career in public service, I have had no greater cause than to save the Chesapeake Bay. There has not been one dramatic incident that has killed off our fisheries, oyster beds and crab populations, so we have not seen the same sustained attention to lives and traditions ruined as we are witnessing in the gulf today.

That does not mean it isn't happening, family by family, across my State and my region. I have seen it and I am committed to doing everything I can to make sure the bay and the economy and ways of life it sustains don't die away.

The Chesapeake Bay encompasses 64,000 square miles. Its watershed is home to more than 17 million people, with tributaries in Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia.

Presidents Ronald Reagan and Barack Obama have called it a national treasure.

The Chesapeake is the economic, historic and cultural center of the region, providing commercial waterways, important fisheries, and countless recreational opportunities.

The first English settlers in the New World came here; Captain John Smith's original voyages of discovery in 1607 first mapped its borders. The capital cities of Maryland, Pennsylvania, Virginia, and the United States sit upon its major tributaries.

Since 1983, the Chesapeake Bay Program has undertaken a largely voluntary effort to restore America's largest estuary. This State-Federal partnership program has provided innovative leadership and remarkable scientific understanding of the restoration effort.

In recent years, however, it became apparent that voluntary efforts to restore water quality to the Chesapeake and its tidal segments would be unsuccessful.

The basin States agreed that the U.S. Environmental Protection Agency would be responsible for developing a basin-wide pollution reduction program. The Chesapeake Bay total maximum daily load, TMDL, would address all segments of the Chesapeake Bay and tidal tributaries that are identified on the currently applicable lists of impaired waters by nitrogen, phosphorus and sediment of the Chesapeake Bay States under section 303(d) of the Clean Water Act.

It is against that backdrop that I introduced S. 1816, the Chesapeake Clean Water and Ecosystem Restoration Act. The purpose of S. 1816 is to amend the Clean Water Act to improve and reauthorize the Chesapeake Bay Program authorized in section 117 of the Act.

The bill has four primary objectives:

1. Establish a deadline of 2025, along with appropriate milestones, for all restoration actions to be implemented throughout the Chesapeake basin that will lead to attainment of water quality in the Chesapeake Bay and its tidal segments; 2. Assure that the basin States, as delegated authorities under the Clean Water Act, be given maximum authority and flexibility to meet the restoration pollution limits through ''watershed implementation plans'' that each State designs for itself; 3. Require that the Federal Government be an active partner in the restoration effort, by developing the overall pollution reduction targets on a State-by-State basis through the Chesapeake Bay TMDL; implementing the terms of the Presidential Executive Order; paying local stormwater fees; and providing clear and meaningful accountability for the basin States; 4. Provide the States, municipalities, developers, and especially agricultural producers with significant new tools and financial resources to meet the restoration demands within the 15-year time frame contained in the legislation.

The bill authorizes a number of new grants programs, including two to assist local governments manage polluted stormwater and three to assist the agricultural community manage nitrogen, phosphorus and sediment pollution. Grants programs for States are expanded and a number of independent reviews of the program's implementation and progress are required over the next 15 years.

I am proud that the Environment and Public Works Committee reported out this bill on a voice vote, without a single Senator expressing opposition.

In fact, each of the individual great water bodies bills that the committee considered was adopted in a similar nonpartisan fashion.

S. 1311, Gulf of Mexico Restoration and Protection Act, was introduced by Senator WICKER and it addresses the long-standing issues facing the gulf that predate the oil spill disaster that has dominated headlines.

S. 3550, Columbia River Basin Restoration Act of 2010, is a bill jointly developed by the junior Senator from Oregon, Mr. MERKLEY, and the senior Senator from Idaho, Mr. CRAPO. This bipartisan legislation will address one of America's great river systems.

S. 3073, Great Lakes Ecosystem Protection Act of 2010, has several bipartisan sponsors, including Senator LEVIN and Senator VOINOVICH, who have worked for years to protect the Great Lakes, which hold 20 percent of the fresh water on the Earth.

S. 3539, San Francisco Bay Restoration Act, sponsored by California Senators Feinstein and Boxer, will help direct the restoration of that essential estuary.

H.R. 4715, Clean Estuaries Act of 2010. Senators Whitehouse and Vitter worked together on a substitute version of this House bill. It will reauthorize the program that supports the 28 estuaries around the country that are part of the National Estuaries Program.

S. 2739, Puget Sound Recovery Act of 2009, sponsored by the Senators from Washington State, Ms. CANTWELL and Mrs. MURRAY, addresses the restoration of this water body, which borders two nations.

S. 3119, Long Island Sound Restoration and Stewardship Act, sponsored by New York Senator GILLIBRAND, will help with the recovery of this body of water which serves millions of residents of New York and Connecticut.

Each of the restoration efforts takes a somewhat different approach to deal with the specific concerns of that region.

This is as it should be. Each of these great water bodies is unique, and each deserves its own restoration strategy developed by its own set of stakeholders.

I am proud of the work done by dozens of Senators from both parties who have contributed their time and legislative expertise in drafting and supporting these Great Water Body bills.

These bills prove that we can work together on substantive legislation in a constructive, bipartisan fashion. They prove that we can say ''yes'' to bipartisanship, ''yes'' to meeting America's need for clean waters, ''yes'' to locally driven restoration strategies, and ''yes'' to a bright future for some of the most iconic places in America.

Mr. President, I look forward to the opportunity to bring all of these fine bills to the Senate floor for adoption.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I wish to take a few moments to talk about what is currently happening in the Senate, in my judgement, representing a State with now the second highest unemployment rate in the country—Michigan. We are glad not to be No. 1, but we sure would like to be No. 50. We have an awful lot of people right now who are waiting for us to complete action on extending unemployment insurance benefits.

I continue to be appalled at the lengths to which the Republican minority will go to stop people who are out of work from getting some help. We are in a situation where we finally, after eight different votes and weeks and weeks of trying, had enough votes to overcome a filibuster. As we all know, that takes 60 votes. I am very grateful to our Republican colleagues from Maine for joining with us to make that happen. We had a vote yesterday that was a supermajority vote. We

know extending unemployment benefits is going to pass because we had 60 votes to overcome a filibuster and the vote on the actual bill only takes 51.

We know we have the votes, but under the procedures of the Senate, technically, unless there is a bipartisan agreement, we have to wait 30 hours before we can actually vote. It used to be that once we secured the votes of a supermajority, then everyone would agree: OK, the votes are there, and they would agree to yield back time so we would not have to wait; we could go on to something else.

That is not what is happening now. While people in Michigan and around the country are waiting, trying to figure out: OK, can I pay the rent tomorrow, can I get gas for my car to look for another job tomorrow, can I put food on the table tomorrow, what is going to happen on Monday, what is going to happen on Tuesday—while people are waiting, we have nothing happening on the floor of the Senate. We are just burning time, 30 hours of time. In my judgment, it is just mean, because when we look at what has to happen yet—we will pass the bill. We know we are going to pass the bill. It has to go back to the House and then to the President for signature. This, at least, is the difference between families getting some help on Friday so they can feed the kids for the weekend or whether they are going to have to wait until Monday or Tuesday or Wednesday. For a lot of folks, for a lot of us—we have a salary, we have a job—that may not seem like much. For over 2.5 million people in this country who have lost their insurance benefits—and these are insurance benefits. You pay in when you are working to get some temporary help if you lose your job through no fault of your own. Mr. President, 2.5 million people think waiting from Friday to Monday is a big deal. They, in fact, think Thursday and Friday is a big deal. We have a situation that, frankly, I cannot characterize any other way than saying it is just plain mean.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Ms. STABENOW. I will be happy to yield.

Mr. DURBIN. Mr. President, first, I thank the Senator from Michigan. Her State more than any State in the Nation has been hit harder by this recession and high employment. I am sure, as I have found and the Presiding Officer has found back in Illinois, that many of these people who are out of work are desperate; that in the Senator's State of Michigan, it has been rough for a long time.

I wish to ask the Senator from the State of Michigan, for those who may not follow where we are at this moment in the Senate, if she could help refresh my recollection. Is it not true that we tried three or four times to get the Republicans to go along in a bipartisan way to extend unemployment benefits to those who lost their jobs through no fault of their own so they could keep their families together while they are searching for work?

Isn't it also true that this historically has been something where we put the party labels aside and say: This is an American emergency, just like a tornado hitting Chicago or Springfield, IL, or flooding hitting some part of Michigan; that we will stand behind the people of our country, the 8 million unemployed people who are struggling to get back on their feet? Isn't it true that historically we have done this without this kind of political rancor and argument?

Finally, yesterday, when we got the breakthrough—we have our new Senator from West Virginia, CARTE GOODWIN, who came in to succeed the legendary Robert C. Byrd. He cast the deciding vote, with two Republican Senators, I might add, who richly deserve credit for it. At that point, we could have moved forward to send these unemployment benefits, give these people in Detroit and Chicago peace of mind, and instead the other side of the aisle is insisting that we burn 30 hours off the calendar and even consider amendments on such issues as the immigration law in Arizona, the future of the estate tax—all these unrelated issues. Is it true that is where we are in this moment of time, where there are no votes taking place on the floor of the Senate?

Ms. STABENOW. Mr. President, I say to our distinguished leader in the Senate—and I thank him for his advocacy—he is exactly right. We have waited—I am not sure now if it is 10 or 11 weeks—trying to extend unemployment benefits. We have had multiple votes. We finally get the votes through all kinds of different means. We finally get the votes yesterday, and it is unheard of that we would be in this spot, after getting a supermajority of 60 people and after having this go on as long as it has. It is unheard of. Never before with a Democratic or Republican President have we ever seen this, but now we are stuck again, and I don't understand why. I cannot fathom the motivation of why the folks on the other side of the aisle, the leadership on the other side of the aisle, would say: Let's wait another 30 hours, which for most people means it is on into next week, and most people have already been without that little bit of $250 or $300 a week. We are not talking about a lot of money.

Mr. DURBIN. That is right.

Ms. STABENOW. But it is a difference between having a roof over your family's head, food on the table, and not. So now we are pushing into next week.

Mr. DURBIN. If the Senator would yield for a question, through the Chair.

I have a chart given me by my staff that says in my home State of Illinois—and the State of the Presiding Officer—137,600 people in Illinois have had their unemployment benefits cut off because of the filibusters on the Republican side, and our numbers show 104,000 people in Senator STABENOW's State of Michigan.

Ms. STABENOW. That is right.

Mr. DURBIN. Not to mention the State of the Republican minority leader, Kentucky, with 32,200 people who have had their unemployment benefits cut off.

I would say to the Senator from Michigan that I am contacted by these families, and they describe to me what life is like when they lose that $250-a-week check and they are out of work. First, they exhaust their savings, then they start putting off paying bills, and then they pray to God they don't get sick because they have lost their health insurance. Then comes the day of reckoning. One lady called and said: They are cutting off my gas to my home, and the electricity is next. Another said: I am 1 month away from moving out of my little efficiency into my car. That is where I am going to have to live.

That is the reality of life, and that is while these people are looking for work. Imagine those burdens—and anyone facing them would be preoccupied by them—at the same time trying to dress up nicely, put on a happy face, and fill out the forms to find a job.

I ask the Senator from Michigan what she is finding with these people who have been cut off from basic unemployment benefits because of the Republican filibuster.

Ms. STABENOW. Well, you are exactly right. I also hear, on top of that, about people who have done what we have told them they should do—they should go back to school and get retraining. So they go back, and the only reason they can actually afford to go back to school to go through one of the job training programs is that small check that has allowed them to have a little income for their family while they do what we have told them to do, which is to get a different skill to go into a different career and then hope there will be a job there.

I have had so many e-mails from people not only about losing their homes and what is happening to their families but that they have had to drop out of school. Well, how does it make any sense, when we are trying to make sure people are productive in the workforce and are able to find a job that people are dropping out of school because of this as well?

Mr. DURBIN. Let me ask this question of the Senator, through the Chair.

I have had heard an argument from the other side of the aisle that says these checks make people lazy; that they don't go out and look for work. With $250 a week, they take it easy.

These aren't the people I am talking to in Illinois. I would ask the Senator from Michigan, who sees thousands of people who have been out of work for long periods of time, what she thinks about this Republican argument that unemployment checks make people lazy.

Ms. STABENOW. Well, people in Michigan are extremely offended by this, and I am very offended on their behalf. The people we are talking about have never been out of work in their lives. They are mortified. The idea of having to go get food assistance is unbelievable to them. These are people who built America. They built the middle class. It is not their fault Wall Street had the crisis.

We had the good fortune to be with the President signing a bill that will change that, but it is not their fault what happened. It is not their fault there was recklessness on Wall Street and then the financial system collapsed so small businesses can't get loans and manufacturers can't get loans.

It is not their fault we went through a decade of policies where the previous administration was not enforcing trade laws so our jobs went overseas. It is not their fault they find themselves in this economy. So they are saying to me: I want to work. Hey, I want a job. I don't want to extend my unemployment benefits. Give me a job.

That is what we are focusing on too. I say to the distinguished Senator from Illinois, one of the things I find doubly insulting about wasting this time is that the legislation we are trying to get to is a small business bill so small businesses can get loans to hire people. So we are trying to create jobs and, instead, all this time is being wasted on an effort just to try to help people get by.

Mr. DURBIN. Let's get to the hot-button issue—the deficit. Because every Republican who comes to the floor tries to explain why we should change the rules when it comes to unemployment compensation, why we should deny to millions of Americans that basic unemployment check to get by while they are out of work, by saying it is all about the deficit.

I would ask the Senator from Michigan if she would reflect on the fact that many of the same Republican Senators making that argument were Senators who, when they had a chance under the previous President, added to our deficit by waging two wars without paying for them, who added to our deficit by giving tax cuts to the wealthiest people in America without paying for them, and in fact doubled the debt of the United States in 8 years' time with that economic policy and those decisions.

These same Republican Senators—such as Senator KYL of Arizona—now argue that if we give more tax cuts to the wealthy people in America and take that money out of the Treasury and add it to the deficit, it doesn't count because tax cuts for wealthy people don't count when it comes to this deficit discipline they want.

I ask the Senator from Michigan: How do you reconcile this; that all of a sudden now this is all about a deficit, which the Republican Senators virtually ignored for 8 years while we reached the stage of today.

Ms. STABENOW. Well, the Senator is absolutely correct. That is the fundamental question. It goes to a question of values and priorities. We will never get out of deficit with over 15 million people out of work, and that doesn't count people working two or three or four part-time jobs or who are underemployed. If people aren't back to work, aren't able to purchase as consumers, aren't able to contribute, we will never get out of deficit, which is why we start with jobs in the beginning.

But to add insult to injury, we hear that giving another round of tax cuts to the only part of the American public that has dramatically increased its income—those who are at the very top; the top 1 and 2 percent—doesn't matter if it adds to the debt. Adding to the debt for tax cuts for wealthy people doesn't count, but changing the rules, such as we have never done before, and focusing on helping out-of-work people does count. That counts. We can't do that, if it is somebody who is out of work. But we don't worry at all about deficits when it is helping the privileged few.

I can't imagine that. That is not the America I know and the majority of Americans care about right now.

Mr. DURBIN. I would say to the Senator from Michigan, by way of a question in closing, that it would seem to me a person who is unemployed, who doesn't get the basic check they need to survive and is forced to live in their car, that is a more compelling argument to me than giving a tax break to someone who needs to buy a newer car. That is what is being argued on the other side of the aisle. It is a complete mismatch of priorities.

What I struggle with is the notion of how many times the Senator and I have been called on, as Members of the House and Senate, to stand by some part of America that is struggling—farmers who are struggling because of drought or flood, people who are victims of flood and tornadoes or our friends in the Gulf of Mexico whose lives are changed because of BP. How many times have we said, as an American family, we stand together? When it comes to something as basic as food on the table and utility bills for the poorest people in America because they are out of work—when there are five unemployed people for every available job—why in the world our Republican friends want to take it out on them at this point in time I don't understand.

If there is anything this Congress should do, it is to rally behind those who have lost their jobs and are worrying about losing their jobs—those working part time, the Senator just referenced, and who want to work full time. If we can't stand together as a Senate behind those families, I think we have lost something very basic. I know I had to put that in the form of a question, so I am going to hazard a guess: Does the Senator?

Ms. STABENOW. Well, I absolutely agree. I wish to thank the Senator for his continuing leadership and passion on this issue.

I would simply say, if over 15 million people out of work in this country isn't an emergency, I don't know what is. Those are the folks we are fighting for right now—the people who want to work, the people who have been part of this great middle class in our country and who now find that slipping through their fingers because of a global economy, where we have not understood the rules should be fair, where we have had policies put into place that affect only the privileged few, with the theory that it will trickle down to everybody else.

You know what. I wish it had. I wish the policies of the former President and my friends on the other side had worked. I don't want people to be out of work. If trickle-down economics would work, I would celebrate it. But my folks are still waiting for the trickle down. They are still waiting. Instead, what is happening to them is they have lost their jobs or they are finding themselves with fewer hours or they are finding themselves in a situation where they are working two jobs, three jobs just trying to hold it together. I mean I have seen numbers that show almost half the families in Michigan have somebody in their immediate family who has lost their job.

The idea of saying that somehow that is all because people are lazy, well, I would not say the words I would truly like to say, but I would just say that is a bunch of bunk—the idea that somehow Americans who have worked all their lives and are caught up in this are somehow just lazy. But this goes to a broader pattern that is extremely concerning to me, and it is the difference in world view and how we view what should happen and what is important in our country.

When we had a bill in front of us—the President just signed it today—to put back some commonsense regulations on Wall Street so there are no more big bailouts and consumers can get good information to be able to protect themselves and their 401(k)s and their savings and to be able to address all the jobs—the 8 million jobs lost since the financial crisis started over a year ago—and when we have a bill on the floor that takes on the big banks, the big bonuses, the recklessness of some on Wall Street, our colleagues on the other side of the aisle vote no. Almost every single one of them sided with the big banks and the big bonuses.

We are going to have a big debate about whether to extend tax cuts for the wealthiest Americans, whether we should give even bigger tax cuts to the top couple hundred families with huge estates in this country—to do even more than President Bush did on tax cuts for the wealthy and the wealthy estates that are literally only 200 or 300 families in the country. Our colleagues on the other side of the aisle will argue for that. They will argue that is the right thing to do. That is a different

view. It is a different view than we have about what is happening in this country and where the priorities ought to be.

Middle-class families in my State are saying: What about us? What about us? The big banks got their bailout, what about us? That is why we have been focused on jobs and on innovation. While we aren't out of the hole—we are nowhere near out of the hole—we are at least digging our way out. There were 750,000 a jobs a month being lost when President Obama took office. We changed the focus to working families, to middle-class families, and by the end of the year that was zero. Now we are gaining 100,000 or 200,000 a month, but we are at least gaining.

I am not happy at all about the unemployment levels in Michigan. But when President Obama took office we were looking at 15.7 percent—unbelievable—and that is just the people being counted. Now it has come down a little bit, a little bit, a little bit, and now it is 13.2. That is still way, way too high, but at least it is moving in the right direction. We had 8 years of it moving in the wrong direction and we have turned the ship and it is beginning to turn around.

The problem we have is that while it is slow in terms of job creation, too many families are caught in the middle on this, waiting for that next job, wanting that next job that is going to pay enough so they can care for their family. They are caught in a situation they never thought they would be in, in their life and they are embarrassed and they are mortified and they are angry. They are looking at the Senate and saying: What is going on here? You can't even get it together to do what every other President, Democrat and Republican, has done in the history of our country to come together and to understand this is an emergency—15 million people plus is an emergency—and that we ought to be extending the small unemployment insurance benefits to families who are caught in this.

That is what this is all about. We find ourselves in a situation where we are wasting time right now on the floor of the Senate that we could be using after voting to extend unemployment benefits to go on to small business, which is also absolutely critical for us. The No. 1 concern from businesses is the inability to get a loan, to get the capital they need to extend their line of credit to do business or be able to expand, to get the loans they need. That is the bill we have waiting in the wings. That is the one we are trying to get done.

Instead of focusing on that, which is jobs and small business, which is the growth engine of the country, we wait. We watch the clock—30 hours. For whatever reason I do not know. But I think it is a shame.

I want to close reading a letter. I get thousands of e-mails. I am sure my colleague does too. I find them very heartbreaking. I want to read a little bit to put it in the RECORD, from Philip, from Belding, MI:

> I have just learned I exhausted my unemployment benefits. I am going to school under the worker retraining programs through Michigan Works. I have a mere 5 months left until I graduate. I am raising my daughter on my own. My life has been a rough ride, trying to do this on the limited funding already.
>
> Now I have to make a choice. This is an incredibly hard choice. I have to quit training to get a job or continue training and live with no income whatsoever. My decision must be made in the best interests of my child. I worked tremendously hard to be at the top of my class in my training and now I am faced with the fact that it was all for nothing.
>
> The last year of hard work and study is lost. The grants I received for Michigan Works were used fruitlessly. I know you are fighting for me and all the others in my position but I feel I need to let someone know . . . what is happening.

There are so many people who have sent letters and e-mails and who have called me. They are just trying to play by the rules and care for their families and get another job or go back to school or do the things we all want to do for our families to be able to live a good life, be able to have that American dream as we define it. It is extremely unfortunate that we find ourselves in a situation where we continue to see objections and blocking and efforts just to stop something as basic as temporary assistance for people who have lost their jobs.

We will get this done. We will get it done. It will pass. The difference between what is happening here and what could have been if we had gotten it done yesterday is it is going to be a few more days before somebody gets the help they need. I do not know how many people will lose their houses because those few more days mean they can't make that payment in time and they end up on the street or how many missed meals, how much hunger, how many times their kids go to bed at night hungry because we are wasting all this time on the Senate floor.

I can tell you there are many of us, those of us on our side, who understand what this means for people. We are deeply sorry families are in this situation. They need to know we are going to continue to fight, we are going to continue to be there, we are going to continue to do everything we can to support them and their families until everybody in this country who needs a job and wants a job and is able to work has one and can get themselves back on their feet and have the kind of life they want for themselves and their families.

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. JOHANNS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNS. I thank the Chair.

(The remarks of Mr. JOHANNS pertaining to the introduction of S. 3622 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. JOHANNS. 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. CASEY. 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. CASEY. Madam President, we are spending time today in so many ways talking about where the American people are right now with regard to this horrific economy, where we had and still have some of the worst job numbers in a long time.

Fortunately, the economy is recovering. The American Recovery and Reinvestment Act, which I voted for, and many of us did, has a positive impact along with other job creation strategies. We are happy about that. But we know we still have a way to go to fully recover.

One of the best ways to ensure that those who are out of work, through no fault of their own, can get from a situation of joblessness to a job, is to make sure we use programs that we put in place over years and that workers and families have contributed to to give them the opportunity for unemployment benefits as they transition or go across that very long bridge from unemployment to a situation where they are back at work.

We have had months and months of debate about this issue. Finally, yesterday, we were able to get beyond yet another hurdle that was erected by the Republican side of the aisle, and now we are at a point where we are beyond that procedural hurdle.

Instead of allowing the Senate to finally at long last vote on unemployment insurance and to extend it, to give families some peace of mind in this terrible economy they have lived through, to give businesses some certainty in terms of what the job picture will look like in a matter of months, and also to take a step when we extend unemployment insurance, to take a step in the right direction to continue to jump-start the economy—one of the best ways to do that is by extending unemployment insurance, because when you do that, you have an additional benefit. The obvious benefit is to a worker and his or her family and, by extension, the community or neighborhood they live in.

But there is yet another benefit, a second or a third benefit, that is depending on how you count each benefit. You know, if you spend a dollar on extending unemployment insurance, you get a lot more than a dollar back.

So you spend a buck on unemployment insurance, by one estimate—Mark Zandi—you get more than a buck sixty back. The Congressional Budget Office tells us that number may be higher. It might be $1.90 that you get back if you spend a dollar. So there is an economic benefit for the whole country when we extend unemployment insurance. This isn't simply about the obligation I believe we have to help those families who don't have a breadwinner, as someone who has lost their job, to help them get through this difficult period. That is reason enough to extend it and it is reason enough to treat it as the emergency it is and to even, in my judgment, add to the deficit to do that. But there is also that other benefit, isn't there, the benefit to the economy overall—spend a buck and get a lot more back—because we know that when we extend unemployment insurance, those dollars go right back into the economy and create other jobs and other economic activity and therefore economic opportunity for people who have nothing to do—have no connection to unemployment insurance. Thank goodness a lot of people don't have to worry about unemployment insurance because they still have a job. They have some security.

So there are at least two or three basic reasons we should be extending unemployment insurance. With all of the evidence, with all of the very compelling and, I would argue, irrefutable evidence that this is good for workers and their families, it is necessary to help them, and it is also good for all of us in the larger economy because of the jump-starting and stimulating aspect of the expenditure of those dollars, you would think the folks on the other side of the aisle would agree with us. But they haven't for many, many weeks.

Now we know we have the votes to get this done. Yet they are still allowing all these hours to pass that they could waive very easily and say: We know we lost—I am speaking from the Republican side of the aisle—we have lost the procedural votes, so let's just vote on final passage and get this extension approved. They seem to want to play politics with the critically important issue for the American people. We are going to extend the unemployment insurance, and it is going to happen. So why would you insist on the hours that are required—not required but the hours that are part of the process and allow that to slow this down?

I was on the floor yesterday talking about a number of Pennsylvanians. One gentleman I spoke about, I talked about, reading from his letter, the worry he had, a gentleman out of work, worried about his family, worried about his 12-year-old daughter who has cystic fibrosis, worrying about how he is going to have insurance cover her condition, and also worrying about whether he can make ends meet, would he find a job, would he be able to provide for his family. That worry is universal when it comes to this issue, the worry a parent feels when they lose their job and lose their health care, the worry that consumes them when they feel they are helpless, almost, to provide for their own family.

We point to individuals within our States who write to us or send us an e-mail or somehow communicate with us about their own circumstances.

Not too long ago, I received an e-mail from a woman named Kimberly. She and her husband have two children in college. Her husband has been out of work for a year. It is hard to comprehend that, what it is like to need a job to provide for your family and you not only don't have a job but you don't have a job for a year or longer. So many families have been living through that.

She said:

> We have been struggling for a year while he looks for full-time employment with which he can again support our family.

Then, speaking about her job, she says:

> I don't make a lot of money. I don't make enough to support us. And I especially don't make enough to put my kids through college.

Then she goes on to say:

> We may not starve, but we won't be able to pay our creditors. We'll be looking at possible bankruptcy. I may have to pull my daughter out of her 4-year university and send her to a community college, and we won't be able to buy clothes or even enjoy simple pleasures like dining out or going to the movies.

Something as simple as that.

I spoke yesterday about a woman who had written to me, Rachel, who talked about her husband having lost his job and deciding to join the National Guard in order to be able to have some job, some livelihood, as well as be able to get a little bit better health care coverage.

These stories are real. They are not anecdotal. They are common in one sense or another. There might be differences from one family to the other, but there are a couple of universal realities here for people. Joblessness, being out of work, does, in most instances, lead to a situation where you lose your health insurance coverage. Joblessness robs people of their basic dignity. It diminishes their confidence in their own worth, their own value to their family, whether it is a mother being out of work or a father or a sibling. This kind of worry and anxiety plus the basic insecurity of not being able to pay bills is horrific, absolutely horrific, something that not many people—maybe a few, maybe a few Senators can understand it, but not many can understand what it is like not to have income and not to have health care.

Everyone here, every Senator has a steady income. It is reliable. It is there every month. You get paid every month. Every Senator gets health care coverage. We have that security for ourselves and for our families. I realize that some at some point in their lives might have an experience that would give them an insight into what someone is going through now who is unemployed, but not many, not many U.S. Senators, not many Members of the House of Representatives or those who work with us in the Federal Government.

So when folks come to this floor and talk a lot about, we want to help, the argument basically is, we want to help, we understand, but we don't want to run up the deficit. They make that argument. I wish the same folks who make that argument and the passionate arguments about the deficit and not using an emergency strategy to help the unemployed, I wish they had that same sense of worry and outrage about the deficit when they were giving tax breaks—hundreds of billions of dollars—to very wealthy Americans, hundreds of billions year after year after year to very wealthy Americans and not being too worried about the deficit in those days. In fact, some on the other side of the aisle were heard to say at the time that deficits don't matter; that if it is tax cuts, if that is your priority, if you want to vote, if you want to put forth and move forward a tax cut policy for the very wealthy, at that time, in their judgment, there was nothing wrong with running up the deficit.

Now when we make the argument that this is an emergency, the way it has been treated for years by people on both sides of the aisle—unemployment insurance in the midst of a horrific recession is, in fact, an emergency—and they voted that way, now they are inconsistent, not only inconsistent when it comes to all of a sudden insisting that they can't support anything that would increase the deficit even in a limited manner—that is inconsistent, but I believe it is even more outrageously inconsistent when you say: I will vote for tax cuts for the wealthy and run up the deficit, but I am not going to take steps to increase unemployment insurance or to extend unemployment insurance.

So what you have is not only hypocrisy and blatant inconsistency, but you have hypocrisy and inconsistency and political gamesmanship that is hurting real people. There are hundreds of thousands of people. If we look across a couple of months, literally millions of Americans have been denied unemployment insurance and will be denied unemployment insurance if these games keep playing out, if these political obstacles are erected every couple of weeks or every couple of months.

It is a very basic choice: We can vote right away and get beyond this and extend unemployment insurance or we can still have the games people are playing and the hypocrisy we have seen on display and continue playing games while people are out of work, while people are hurting, and while families are suffering. It is very simple. There is no kind of in-between here—you are either on one side of this issue or the

other. Then we can get through this period. I think we can move on to other debates about our economy, about how our job-creation strategies are working. We can have debates about the deficit and a lot of other issues. But the first thing we have to do is make sure we are taking every step necessary to help people who are out of work through no fault of their own and to continue this recovery by creating the jobs that we know have been and will continue to be created as we move forward. But we have to get beyond this. We should not be waiting hours to get this final vote in place so we can pass an extension of unemployment insurance and move forward and help those workers and help those families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, I come to the floor to visit about the continuation of revelations to the American people about the health bill that has been signed into law by the President. I come as someone who has practiced medicine in Wyoming, taking care of the families of Wyoming for the last 25 years. I come as someone who is the medical director of the Wyoming Health Fair, offering low-cost blood screens, low-cost preventive services to let people identify health problems early so they can get early treatment, keep down the cost of their medical care. This is something we have done all around the State of Wyoming for almost a quarter of a century now.

I come today to offer a doctor's second opinion. I have done this every week since the health care bill became law because every week there is a new revelation, a new finding, something that once again affirms what those of us who opposed this health care bill and this law had said would happen if this actually became law.

I come to the floor to tell my colleagues what I have found in the last week. After all, the goal of health care reform was to lower costs, to increase quality, and to improve access for patients around the country. I continue to believe week after week, as Americans learn more and more about this law, that this is a law that is going to be bad for patients—I heard that as I traveled the State of Wyoming this past weekend talking to folks; bad for providers, nurses and doctors taking care of patients; and something that is going to be bad for payers, people who are going to have to pay the bills for their own health care, because costs are going up, people paying for their own health insurance because costs are going up, taxpayers who are going to have to pay for this because those costs continue to go up.

I come to the floor having just taken a look at the Sunday New York Times, an article by Robert Pear: ''Changing Stance, the Administration now Defends Insurance Mandate as a Tax.'' I stood on this floor week after week hearing people on the other side of the aisle say: No, this isn't a tax. Now, all of a sudden the administration says differently. But then who can forget NANCY PELOSI, Speaker of the House, who said: You don't get to find out what is in the bill until the bill is passed.

There have been so many broken promises made by this administration and this President to the American people. It is no surprise that a majority of the American people continue to want to have this law repealed and replaced.

Well, let's review a couple of those promises. One is the President said:

> The plan I'm announcing tonight—

and he said this to a joint session of Congress, with those of us here attending—

> The plan I'm announcing tonight. . . .will slow the growth of health care costs for our families, our businesses, and our government.

Well, the Chief Actuary for Medicare and Medicaid said, of course, the President is wrong.

Then the President said: If you like your health care plan, you will be able to keep your health care plan, period. He said: No one will take it away, period. He said: No matter what, period.

But then the Chief Actuary of Medicare and Medicaid said 14 million Americans would lose their employer-sponsored health coverage under the law. And when the White House came out with its own recommendations and rules and regulations, even they have said a majority of Americans who receive their health coverage through work will not be able to keep the coverage the President of the United States promised them they could keep.

And now the one where the President said: I can make a firm pledge. Under my plan, no family making less than $250,000 a year will see any form of tax increase.

He went on to be specific. He said: not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

That is what the President happened to say.

Well, that was not just a candidate speaking that way. Even as President, in September of 2009, in a speech before Congress, President Obama again promised the American people:

> The middle class will realize greater security, not higher taxes.

What a difference a year makes. The President's new health care law does contain tax hikes—lots of them. In fact, there are at least 18 new taxes in the health care law, and it raises approximately $500 billion over a 10-year period.

Here are a couple of examples: new taxes on medical devices and supplies, new taxes on brandname prescription drugs, new taxes on health insurance providers, increased Medicare payroll taxes on employers. But the most egregious is the individual mandate tax. That is the one that the American people are so concerned about right now. The new health care law requires all Americans to buy Washington-approved health insurance, and they have to do it by the year 2014. If they do not, they have to pay. Some call it a penalty, others call it a fine. For the first time in our Nation's history, the Federal Government is ordering the American people to use their own hard-earned money to buy a specific good or service.

Most people I talk to, who see through all of the games and the wording, say this is a tax. Even ABC News's George Stephanopoulos clearly pointed this out during a September 2009 interview with then President Obama. In that interview, Mr. Stephanopoulos pressed President Obama, pressed him to admit that the individual mandate is a tax. He asked President Obama:

> But you reject that it's a tax increase?

And the President responded:

> I absolutely reject that notion.

Well, Mr. President, apparently your own administration disagrees with you. And clearly your Justice Department disagrees with you. Because as the New York Times reported, on July 16—just this past Sunday—it said:

> Administration officials say the tax argument is a linchpin of their legal case in defense of the health care overhaul and its individual mandate, now being challenged in court by more than 20 states and several private organizations.

It is so interesting. Just the first paragraph:

> When Congress required most Americans to obtain health insurance or pay a penalty, Democrats—

In this very Chamber—

denied that they were creating a new tax. But in court, the Obama administration and its allies now defend the requirement as an exercise of the government's ''power to lay and collect taxes.''

So there you have it. The article says the Justice Department now believes—the Justice Department takes direction from the President—the Justice Department believes the individual mandate penalty is a tax precisely because it generates money, $4 billion per year through 2017. That is according to the Congressional Budget Office. So you have the President promising the American people one thing and directing his Justice Department to say exactly the opposite.

Well, you might say, is this partisan? No. We are talking about a New York Times article. The New York Times goes on to quote Jack Balkin, who is a professor of law at the Yale Law School. This is somebody who actually supports the health care law. This is a supporter of the health care law. What does he say about President Obama? He said he ''has not been honest with the American people about the nature of this bill.'' He says: ''This bill is a tax.''

So here you have a supporter of the health care law, a supporter—a Yale Law School professor—who goes on to say of President Obama, he ''has not been honest with the American people about the nature of this bill.'' He said: ''This bill is a tax.''

We have President Obama's own administration now admitting the individual mandate to buy health insurance is a tax increase. Well, this clearly violates the President's repeated promises that no one—no one—making less than $250,000 a year would see a tax increase.

Congress's Joint Committee on Taxation confirms the tax hikes in the health care law absolutely will hit millions of middle-class, working-class families struggling in this economy.

Once again, we see and hear the President of the United States promising the American people one thing and delivering something entirely different.

The President went on national TV and said his individual mandate was not a tax. Now the President's administration says it is.

So I come to the floor again today with a doctor's second opinion, outlining the broken promises of this health care law—the broken promises made by this President and this administration to the American people, and forcing through, cramming down their throats, against the wishes of the American people, a law the American people did not want, and still do not want. Because if you go to any senior center, if you go to any civic organization, if you travel around this country and you ask the question: Under this law, do you believe the cost of health care will go up, all the hands will go up. And if you ask the question: Do you think the quality of your own care under this new law will go down, the same number of hands continue to go up.

That is why it is important we repeal and replace this health care law with something that is patient centered, with something that focuses on patients, not Washington bureaucrats and not insurance company bureaucrats. There is no reason to not allow Americans to buy insurance across State lines. There is no reason not to allow Americans who want to buy individual insurance to get the same tax breaks. They should be able to get the same tax breaks as those who get their insurance through work from the big companies with those tax breaks.

We have to allow people to have individual incentives if they stay healthy and take measures to keep down the cost of their own care. We have to deal with lawsuit abuse, which was essentially neglected in this over 2,000-page health care law. We need to encourage and allow small businesses to join together to get the cost of their health care down and the cost of their insurance down.

Those are the things that will get the cost of care down—not this monstrous bill that is bad for patients, bad for providers, and bad for the payers of health care. That is why week after week I continue to come to the Senate floor to once again go over what we have learned in the past week. This week we have learned the President of the United States, who promised there would be no increased taxes, has now changed the tune of his entire administration and his Justice Department by saying: Oh, no, we are changing our stance. Now the insurance mandate is a tax.

I offer my second opinion, and it is time to repeal and replace this health care law.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRAISING JAYNE ARMSTRONG

Mr. KAUFMAN. Mr. President, I rise once more to honor one of America's great Federal employees.

Last week, the Senate focused a lot of its attention on reforming our regulation of Wall Street. As important as that is, we must not forget that the health of our economy depends on the success of businesses on Main Street. Small businesses form the backbone of our prosperity and embody the American dream for millions of families.

From the colonial merchants at our beginning to those who opened stores in frontier towns in the 19th century, from the mom and pop shops in the postwar years to the online start-ups of our day, small businesses have driven our economy.

Over the past 57 years, the Small Business Administration has been helping small business owners obtain loans and find resources to help them prosper. By guaranteeing loans that small businesses take out from banks, the SBA enables entrepreneurs to grow and develop their businesses with confidence, which helps create jobs and improve local economies.

It was created out of the old Reconstruction Finance Corporation, which was set up during the Hoover administration to lend capital to businesses hurt by the Great Depression. The SBA was founded in 1953, on the cusp of an economic boom that saw the proliferation of new small businesses throughout the Nation.

In 1964, the SBA's Equal Opportunity Loan Program helped tackle poverty by encouraging new businesses started by entrepreneurs living below the poverty line. In the aftermath of natural disasters, the SBA provides emergency assistance to help keep small businesses running. Today, the SBA continues to play an important role in helping small business owners launch and grow their businesses.

The great Federal employee I am honoring this week has worked at the SBA for 16 years.

Jayne Armstrong currently serves as the SBA district director for Delaware. I have known her for several years, and I have seen firsthand her dedication to helping Delaware small businesses thrive.

Jayne, a native of Pittsburgh, worked in advertising, high-tech economic development, and higher education development before joining the SBA in 1994. She holds bachelor's and master's degrees from West Virginia University. First serving as the district director for West Virginia and regional advocate in the SBA's Office of Advocacy, Jayne helped organize the White House Conference on Small Businesses in 1995. She also represented the SBA in Russia during the first-ever formal exchange between American and Russian entrepreneurs the following year.

Since coming to Delaware and, Mr. President, I should add that she has lived in my home State for the past 10 years—Jayne has become one of the greatest advocates for First State entrepreneurs. She has helped hundreds of Delawareans turn ideas into businesses. Nothing, including the economic downturn, slows her down in her drive to help small business owners obtain the loans they need to open or expand.

Jayne has placed a particular emphasis on helping entrepreneurs take advantage of SBA loan programs created through the Recovery Act, such as Queen Bee Beauty Supply in Smyrna, a minority woman-owned business, and Miller Metal Fabrication in Bridgeville, a design engineering and manufacturing company.

These are just two of the hundreds of businesses that have Jayne and the SBA to thank for helping them get their start or expand into new opportunities.

Jayne is also substantially involved in our State's nonprofit community. She serves on the boards of Girls, Inc., the Caesar Rodney Rotary Club, and Delaware Tech's Entrepreneurial Advisory Consortium, among others. Former Governor Ruth Ann Miller appointed her to serve on the Delaware Commission for Women.

The SBA serves as a fitting example of how the Federal Government works with the private sector to fuel job creation—a goal we are continuing to focus heavily on in this Congress.

I hope my colleagues will join me in thanking Jayne Armstrong and all of the men and women at the Small Business Administration for their hard work to help our small business sector grow and prosper. They are all truly great Federal employees.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN JOBS ACT

Mrs. SHAHEEN. Mr. President, today, hopefully, we will finally extend unemployment insurance to those who can't find a job in this difficult economic climate. Our next task is to help small employers and entrepreneurs grow their businesses and hire new workers. That is the only way we will fully emerge from this recession.

Over the past 15 years, small businesses have created almost two-thirds of the new jobs in America. Small businesses are the cornerstone of New Hampshire's economy. Over 96 percent of businesses in the Granite State are small businesses with fewer than 500 employees. That is why we need, once we have passed the extension of unemployment insurance, to pass the Small Business Jobs Act as soon as possible. This is legislation that will dramatically increase lending to small businesses, it will enhance the ability of small companies to export, and it will provide tax relief to small firms.

I am proud that as a member of the Small Business Committee I helped craft this bill under the leadership of the chair of that committee, Senator MARY LANDRIEU, and ranking member Senator OLYMPIA SNOWE. I want to thank both of them for their work and for their leadership on this bill.

While many community banks in New Hampshire have increased their lending, I consistently hear from small businesses that they have run out of financing for the working capital they need. Last year, my office organized a financing fair to bring together lenders and small businesses who need financing, and over 500 people showed up. It was a huge turnout. But still, wherever I go in New Hampshire, small business owners tell me they are running out of financing options. In some cases, their only choice is to turn to credit cards, often personal credit cards, paying exorbitant interest rates to get the working capital they need to keep their businesses going.

The small business jobs bill will enhance Small Business Administration loan programs that help small businesses in New Hampshire and throughout the country as they try to access the credit they need to hire workers, to grow their businesses, and to weather the economic storm.

In the past year, many small businesses in New Hampshire have taken advantage of the enhancements to the SBA programs that were included in the Recovery Act. One business owner in New Hampshire, Janet Dunican, was able to save her business with an SBA loan. Janet owns an innovative manufacturing company in Hooksett, NH. She has over 50 employees, and what they do is help take trucks that are owned by other small businesses and transform them by adding custom-fit utility buckets—the kind we see when the cable company fixes the power lines after a storm.

When Janet needed a loan to save her company, she looked everywhere for help. But with credit tight and with this uncertain economy, she had a hard time finding a bank that would finance her project to keep the business afloat. Then she turned to a bank that participated in an SBA loan guarantee program. She was able to work with her bank to get the credit she needed to save her business.

Unfortunately, too many small businesses can't take advantage of loan guarantees because the loans have been too limited, and they do not fit their needs. But the small business jobs bill opens these programs to more businesses. It increases the size of the loans that businesses can obtain, it allows small businesses to refinance their debt at lower rates, and it extends the higher guarantee rates that were included in the Recovery Act. The SBA estimates that these provisions will put over $5 billion in credit into the hands of small businesses.

The bill also funds successful State small business lending programs—programs that have helped save many small businesses and helped others finance their growth. These programs, such as our own—the New Hampshire Business Finance Authority's Capital Access Program—and other successful small business lending programs, can quickly get credit into the hands of the small companies that need it the most.

The bill also includes a proposal that I worked very hard on to allow more small businesses in New Hampshire to access the SBA's Express Loan Program. The Express Loan Program is popular with banks in New Hampshire because it cuts redtape and allows them to use their own paperwork in making the loans. It is a simple way to quickly put working capital into the hands of small business owners.

Another important way we can increase the bottom lines of small businesses is by helping them sell their products overseas, something I have been supportive of for a very long time. Of the small- and medium-sized businesses in this country, only about 5 percent are selling into markets overseas. Yet 99 percent of those markets are outside of the United States. For many of these small businesses that would like to export, it can be very challenging because, unlike big companies, they often don't have the technical capacity or the resources to identify new markets, to go on trade missions, and to market their products to foreign buyers.

The small business jobs bill will help these small firms access new markets because it boosts Federal and State programs that help small businesses export their products. It also strengthens SBA export financing programs so that small businesses can get loans to put them in a better position to compete locally.

Finally, this legislation also provides over $12 billion in targeted tax relief for small businesses. These are tax cuts that will help free up capital for small firms to make investments and, most importantly, to hire workers because that, in fact, is what the small business jobs bill is all about. It is to help provide the boost that small businesses in New Hampshire and across the country need, not just so they can be successful and grow, but so they can create jobs—the jobs that we need to put people back to work in this country.

I am excited that we are going to be taking up this legislation. I hope it is going to be today. I urge my colleagues to join me in supporting this critical bill to help improve job prospects for people across the country.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ESTATE TAX

Mr. SANDERS. Mr. President, every day it becomes harder and harder for me to listen to my Republican friends who race down to the Senate breathlessly telling the American people how concerned they are about the $13 trillion national debt we have and how ''we have to get our financial house in order.'' That is what they tell us every single day. But a funny thing happened: under the leadership of President George W. Bush, these very same Republicans turned a recordbreaking Federal surplus left by President Clinton into recordbreaking deficits. Back then, as we all recall, not so many years ago, their rallying cry was ''deficits don't matter.'' That was articulated by Vice President Dick Cheney. This ''deficits don't matter'' philosophy gave us two wars that were not paid for, including the war in Iraq, which may end up costing us $3 trillion. It gave us $700 billion in tax breaks—no worry about paying for those tax breaks that went to the very wealthiest people in our country. It gave us $400 billion in an unpaid-for prescription drug Medicare Part D bill. And, of course, it gave us a $700 billion bailout of Wall Street developed by President Bush and his Secretary of the Treasury, Mr. Paulson. No worry; in those days, we did not have to pay for any of that. It is OK, just add it onto the debt of our kids and our grandchildren.

But it seems our Republican friends recently, about a year and three-quarters ago, had a change of heart. Coincidentally, that was when President

Obama came into office. I am sure it was just a coincidence, but now it appears that deficits do matter. For 8 years, deficits didn't matter. Now they do matter. Now they are telling us we cannot afford to extend unemployment benefits to over 2 million Americans who lost their jobs in the worst recession in modern history. They tell us we just cannot afford to invest in our economy to rebuild our crumbling infrastructure or transform our energy system, which would create, over a period of years, millions of good-paying jobs. We can't do that. We don't have the money to do that.

The Republican hypocrisy is about to reach a whole new level, literally, today. In the name of fiscal responsibility, while they oppose every effort to help the middle-class and working families of our country, today an amendment is going to come onto the floor which is specifically designed to provide huge tax breaks to millionaires and billionaires. In other words, there is no money available to help desperate families who have lost their jobs, but there is all kinds of money to provide huge tax breaks to millionaires and billionaires.

Finally, last night, as a result of the appointment of a new Senator from West Virginia, we got the 60 votes we needed to end the Republican filibuster so that we can extend unemployment benefits. But instead of allowing this bill to pass yesterday, as common decency would allow, so we can begin to get the money out to those families who are wondering right now how they are going to buy the food they need, pay the rent, pay the mortgage, the Republicans are forcing the Senate to wait another 30 hours before final passage.

Adding insult to injury, my good friend from South Carolina, Senator DEMINT, wants to suspend the rules so the Senate can take up legislation to permanently repeal the estate tax. This, even for the Senate, is really weird and really extraordinary. In the midst of telling us how serious the deficit is, how serious the national debt is, these folks want to give tax breaks to billionaires by permanently repealing the estate tax and, as this chart shows, adding more than $1 trillion to the deficit over 10 years. That is a very unusual way to deal with our deficit crisis, by adding $1 trillion to the national debt over a 10-year period. Furthermore, as this chart shows—and maybe this is the most important point I want to make in my brief remarks—only a tiny fraction of estates from death in 2009 owed any estate tax. In fact, 99.7 percent of Americans would not receive a nickel from Senator DEMINT's legislation.

Four years ago, every Republican except two voted to completely eliminate the estate tax, a tax that has been in existence since 1916 and impacts only the very richest families in America, the top three-tenths of 1 percent. Let me tell you who the major beneficiaries of this huge tax break would be. Would it be the average middle-class worker who during the Bush years saw a $2,200 decline in his income, people who really need the money? No, they are not being helped by Mr. DEMINT or the repeal of the estate tax. Would it be a small businessperson, the people who are creating almost all of the new jobs in our economy? Would small business be helped when we repeal the estate tax? No, not those guys. Would it be a single mom who wants to send her kid to college for the first time in their family's lifetime? No, that single mom is not going to be helped, not anybody on Social Security, not the people who need the help the most. They don't get one penny from the repeal of the estate tax, as Senator DEMINT is proposing.

Who benefits? Who are the beneficiaries of the estate tax or, as my Republican friends and their pollsters like to refer to it, the death tax? If we pass what Senator DEMINT wants us to do today, completely repeal the estate tax, it would provide an estimated $32.7 billion tax break for the Walton family, the founders and owners of Walmart—a $32.7 billion tax break for a family that is worth almost $87 billion. Some people here may think the Walton family—worth almost $100 billion—is in desperate need of a tax break at a time when we have a $13 trillion national debt. I am not one of those people. I do not think they do.

But it is not just the Walton family, obviously, who will benefit. Other very wealthy families will. Do you remember those hedge fund managers on Wall Street who made $1 billion a year or several billion a year? They are going to benefit. Those are the guys—the people who drove us into the recession, who made huge amounts of money gambling on Wall Street. They will be very happy if that amendment passes. They benefit. The Mars candy family will get an $11 billion tax break; the Cox cable family, $9 billion tax breaks.

Remember, this law has been in existence since 1916. And remember again, it only benefits the top three-tenths of 1 percent, and 99.7 percent of the American people, working people, middle-class, lower income people, upper middle-class people, don't benefit one nickel from this tax break which costs us $1 trillion over a 10-year period.

At a time when our country has a $13 trillion national debt, the highest level of childhood poverty in the industrialized world, a crumbling infrastructure, a desperate need to transform our energy system—I see Senator BOXER, who has been a leader in that effort—it is beyond comprehension to me that anyone at this moment in American history would advocate huge tax breaks for millionaires and billionaires.

This concept of the estate tax was developed by Teddy Roosevelt. He was concerned about two things. He was obviously concerned about raising revenue for the Federal Government, but he was also concerned about making sure we did not maintain an oligarchy in the United States where billionaire families—people worth tens of billions of dollars now—are able to give away their fortunes to their own heirs. He believed in a meritocracy and that it was appropriate that those people pay a fair share of taxes.

This is what he said:

> The absence of effective state and especially national restraint upon unfair money-getting has tended to create a small class of enormously wealthy and economically powerful men, whose chief object is to hold and increase their power . . . Therefore I [Teddy Roosevelt] believe in a . . . graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing in amount with the size of the estate.

Teddy Roosevelt, 1910. I think our Republican friends have kind of disowned Teddy Roosevelt, and we don't hear him quoted terribly much anymore.

In order to sell this concept of repealing the estate tax to the American people, Republican pollsters—I have to admit, we have to be honest about this—have done a very good job. They framed this tax break for billionaires into a death tax. So people on the street in Burlington, VT, come up to me and say: BERNIE, I want to leave my kids $20,000. Why are they going to tax me? The Republican pollsters have done a very good job and their lobbyists have done a very good job in misleading the public. As usual, Republicans are using the old tactic of pretending to worry about the needs of ordinary people as a smokescreen to serve the wealthy special interests.

That is what they do very well. If you are in the middle class and you want to leave your family $1 million or $2 million or $100,000, this doesn't apply to you; you don't benefit one nickel. This is for millionaires and billionaires.

The other thing they talk about is, we have to preserve the family farm and the estate tax is wiping out family farms. I am a strong advocate of family-based agriculture, and in terms of the preservation of family farms, the American Farm Bureau was asked to come up with an example of one single family farm being lost as a result of the estate tax. They could not find one farm that had to be sold as a result of the estate tax. This is not legislation to help family farmers. This is legislation to help provide tax breaks for millionaires and billionaires.

Let me quote from an article that appeared in the New York Times July 8, 2001:

> Neil Harl, an Iowa State University economist whose tax advice has made him a household name among Midwest farmers, said he had searched far and wide but had never found a case in which a farm was lost because of estate taxes. ''It's a myth,'' Mr. Harl said.

As it happens, I called up Professor Harl this afternoon, just a few hours ago. Interestingly, he told me he has conducted over 3,000 seminars on the

estate tax and agriculture. This guy is an expert on the issue. I just wanted to get an update from him. What he told me 2 hours ago is that after studying this issue for decades, he has not heard of one family farm that had to be sold because of the estate tax—not one.

When my Republican friends talk about preserving the family farm—something we have to do—this estate tax issue has nothing to do with that.

In terms of small business, the nonpartisan Tax Policy Center, as this chart indicates, has estimated that only 80 small businesses and farm estates throughout the country paid an estate tax in 2009, representing 0.003 percent of all estates.

This legislation is not for the family farmer. This legislation is not for small business. This legislation is specifically designed to provide huge tax breaks to the wealthiest people in this country, millionaires and billionaires, at the same time as we have a $13 trillion national debt.

Let me conclude by saying this.

We have heard our Republican friends week after week, month after month, coming down to the floor of the Senate and saying, no, we cannot extend unemployment benefits to desperate Americans all over this country who, through no fault of their own, have lost their jobs. We cannot afford to do that.

Finally yesterday we got the votes to go forward. But having said that, that they cannot help working families and people who have lost their jobs, they are now coming down to the floor and saying, we desperately need to give tax breaks to millionaires and billionaires.

You know, Woody Guthrie had a song some years ago. The title was: ''Whose Side Are You On?'' The Republicans have answered that loudly and clearly. But when it comes to the needs of the unemployed and uninsured, when it comes to protect the interests of the struggling middle class, the Republicans are deficit hawks. We know they are going to go after them. But if you are a billionaire family who needs a huge tax break that will cost $1 trillion over 10 years, they are on your side.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, the Senator from Vermont speaks in very clear words. When he says this debate is about whose side are you on, he could not be more on target. We have a situation where we know that when President Obama took office and the Democrats were increasing their majority, we inherited the worst recession since the Great Depression. Those are not just words; that is a fact.

We inherited the worst deficit ever, because under the Republicans, the hugest tax cuts ever to people earning more than $1 million a year, $1 billion a year, went right on the credit card; two wars went right on the credit card; nothing paid for.

Then at the end of George Bush's term, when we started to see jobs being lost, 700,000 jobs a month, that is when we took over, and we took some tough votes. We said to the American people: We are going to focus like a laser beam on jobs and this economy, and we are going to get back on our feet. Yes, we are going to tackle that deficit.

I happen to have the privilege of having been sent here by my State when Bill Clinton was President of the United States. You know what. He inherited huge deficits, and he inherited a tough economic time, and we proved that we could both balance the budget and create 23 million jobs. When George W. Bush took the keys to that Oval Office, it took him a matter of minutes, figuratively a matter of minutes, to turn surpluses into deficits, and to bring down the jobs market until we got to a point where we were losing and hemorrhaging jobs at 700,000 a month.

This is important for us to remember, because it is this date where we say to our Republican friends, if you care about the people who are trying desperately to get jobs, if you care about people who have been hit by this great recession, then come with us. Work with us. Let's make sure we are there for those who deserve to have this help.

By the way, if I could say, the rules that go along with getting this unemployment extension, people do not talk about that much. You have to prove you are ready and willing to work. You have to prove you are actively seeking a job. You cannot have been fired for cause. And, by the way, you have to have paid into the unemployment insurance fund as well. This is unemployment insurance that the workers have paid into.

These are people who are actively seeking work. Guess what. When they get there, they find out there are five job seekers for every job. So we say to our friends on the other side of the aisle, where is your heart? Where is your heart?

A couple of them proved that. They stepped up and voted with us. That is all. When history is written, I think this time is going to go down as a time when right triumphs over wrong, because we did get these votes.

But guess what. Even though the other side knows we have those votes, they are stalling and stalling and having us vote on amendments that would give the wealthiest Americans their tax cuts, without paying for it. So when a deficit is caused by helping those who earn $1 million a year, $1 billion a year, oh, they are happy with that. But when you are trying to help mainstream America, middle-class America, the hard-working people, oh, my goodness, where are they? They are not here. Only to delay they are here. They are here to delay.

This is an important moment in history, because we always had bipartisan support for extending unemployment compensation. My God, we had it when George W. Bush was President in 2003. The Republicans joined with us and extended unemployment. No problem. So I do not know where this is coming from.

You are going to hear: Oh, the deficit. That is hogwash. They admit it. They admit it. They do not care about the deficit. When they are cutting taxes for their friends, they said: It does not matter. I have chapter and verse, quotes from their leadership. So this is about values. It is about whose side are you on? I am on the side of the American people, the working people. Most of us. BERNIE SANDERS is on that side. The Republicans who are joining us in this vote today are on that side today. This is a history-making day. It is the first time we have ever had a standoff on this issue. It is the first time we have ever seen the Republican Party walk away from working Americans like this. Again, when I was here and we balanced the budget, we created surpluses. The Republicans were not with us on that. I can honestly say, I voted to balance the budget. We did it, and we know how to do it, and we are going to do it. But do not turn your backs on people who paid into the unemployment compensation funds. It is insurance. They paid into it. And they have to be actively seeking work.

I wanted to read to you a couple of stories from my State, of real people. But before I do, I want to talk about Mark Zandi. Mark Zandi, chief economist at Moody's, was one of the top economic advisers to then-Republican Presidential candidate JOHN MCCAIN. He says that every dollar invested in unemployment benefits, such as we are going to vote on today, produces $1.61 in economic activity. The CBO estimates it is $1.90.

Why is that? It is because the people who are getting those funds to survive are going to spend it in the local economy. They are going to go out to the supermarket; they are going to go to the local gas station. Economists of all stripes agree that there is an actual return on investment here, let alone the morality of standing up for people who, through no fault of their own, cannot find a job.

Let me read what a Sacramento woman said to me.

> Days go by when I hardly sleep at all, worrying about our bills. Since my benefits were cut off on July 1 at the end of my first extension, we have had to concentrate all of our income on paying the rent and buying food and gas. I have not been able to pay any of our other bills. I don't know how long we can make it like this.

I don't know how long we can make it like this. And our friends are stalling and stalling and stalling. Two months already they have stalled.

A city planner from Los Angeles writes:

> The effects of the recession were especially acute for anyone whose industry was decimated by the financial crisis. Since municipalities are struggling and real estate development is frozen, jobs in my industry are few . . . my unemployment checks stopped abruptly last week before the 4th of July. I

called my benefits office thinking this must be a mistake, only to find that the benefits ended because Congress didn't pass the Federal extension.

Another Californian said:

I am very scared of what might happen if I lose the unemployment income. We don't want to lose our home. My children catch me crying at times and ask me why are you crying, mom? I can't tell them . . . Please pass this bill until this economy strengthens and more companies start to hire again.

If people on the other side of the aisle can have a good night's sleep knowing this is what is happening in the greatest country in the world on our watch, then fine for them. But I have to tell you, this is a defining moment of who we are as a Nation. As a Nation.

I actually had the experience of a political analyst, someone who comments on politics, say, well, you could understand why people might need two yachts, one on each coast. You know what. We better get back to the basics here: people who need to feed their families, people who need to pay their rent, people who do not want to lose their home.

We have to do everything we can to revitalize the jobs market. We have taken it from 700,000 jobs lost a month under the Republicans, and we have turned it around, but not fast enough, not far enough.

That is why the bills we passed here are so critical. But we have no cooperation on that. It would be one thing if the other side said, you know, let's not do unemployment, but let's work on jobs bills. Oh, no, they do not want to work on jobs bills. We have got a small business jobs bill. We are praying to God—I am—that we get one or two Republicans. This is a bill that is supported across the board by chambers of commerce, everybody. I know, Mr. President, how hard you have worked to make sure our community banks can start lending again to small businesses.

I have been through nine cities in my State. I have met with small businesses. They want access to credit. This small business bill is a terrific bill, and we can leverage it without it costing the Federal Government a dime, these loans to qualified small businesses through qualified and strong community banks, and leverage all of this to be a huge stimulus, and it actually has. Because of the paybacks to the government, we even make a little bit on it.

But we do not have our friends helping us with that. After they stall this unemployment bill, they will stall into the night. Hey, it is their right. It is their right. But it is my right to talk about how I feel about it.

They will start stalling small business just as they stalled the tax breaks that they claimed they wanted. They stalled the bill that would have given the research and development tax credit to businesses all over this great nation that need that tax break.

They have stalled a lot of other tax breaks to businesses. There are huge tax breaks to small businesses in the small business bill they are stalling. So this is a moment in history. This is a moment when partisanship is way ahead of the needs of the people of this great Nation.

I think it is a sad day when some of my Republican friends come down here and start to demean the people, the people like the one who wrote to me, the woman who said: I am scared of what might happen if I lose this unemployment income. We do not want to lose our home. My children catch my crying and ask me why are you crying, mom? I cannot tell them. Please pass this bill until this economy strengthens.

Well, I make this commitment: if we have to stay here through the night, until 1 or 2 a.m.—I do not know what the other side wants; they have got their plan of delaying this—fine, then we will stay here until we get it done. But we are getting this done, because it is the right thing to do, because it is the right thing to do to people who are actively seeking jobs, who have lost jobs through no fault of their own, who have paid into the unemployment compensation fund.

We are going to keep on working to create those jobs so we do not have to be here again and again doing this. There are things we can do to set the stake for economic recovery. We have done some of them. I have met the workers. I have met the workers in my State who are working on the 405 freeway, the 215 freeway, the 805 freeway, the Sacramento Airport, the Caldecott tunnel extension, the Doyle Drive extension, all up and down my State.

I have met those workers who have those jobs because of the Economic Recovery Act. Our Republican administration in California has stated that at least 150,000 jobs have been saved or created, and other studies show it is more than that. It is not enough. We have to keep working at it. I am sad to say all we can hope for are two or three Republican votes at that. We are grateful to those brave Republican Senators who helped us. We are grateful. I thank God for them that they have the courage to stand and say yes to the American people, yes to America's families, and no to partisan politics. I am so grateful to them.

When I say that, it probably hurts them on the other side. I don't mean to do that. I am just being honest about how I feel about it. If anyone ever tells you one vote doesn't make a difference, one vote makes a difference. We swore in a new Senator from West Virginia to take the place of a leader, Robert C. Byrd, who lived his life for working people, for the workers in the mines. How appropriate it was that his first vote was to help working people, working people who, through no fault of their own, can't find work.

I will wrap up at this point. I am ready, so ready for this final vote. If we have to stay here through five motions and debate the fact that the wealthiest American billionaires shouldn't have to help us with this recession, I am happy to do that. I am a believer that we all have to do our share. We all have to work together. Hopefully, tonight, whatever time it is, or in the early hours of the morning, my constituents, 200,000-plus in California, will be able to look at their kids and smile a little and say: Honey, we still have a chance. We are going to get out of these tough times. Honey, we are going to do it.

That is what this place should be about at a time such as this, creating the policies that create the jobs, working together to do so but never forgetting there are people who just need that bridge until, when they go for a job, there are not four other people there for the same job. That day will come, if we can work together. I make that commitment.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have listened to my colleague from California. I am somewhat amazed to think she would imply we don't care about the unemployed. The fact is, we do. I went through the list of the things she mentioned, as did the Senator from Vermont. I was not here in 2001. I was not here in 2003. I was not here when both the wars were initiated. I had no part in any of that. But even had I been, the fact is, we can help two groups of people with this unemployment insurance. There isn't anybody on our side of the aisle who doesn't think we ought to pass extended unemployment benefits. To state or imply that is absolutely absurd. It is not about stalling. The majority leader did not allow one amendment to allow us an opportunity to have a vote on whether we ought to pay for it.

The question isn't whether we help the unemployed. Every time we have offered ways to do so—as a matter of fact, five times it has been rejected that, in fact, our grandchildren should not have to pay for the unemployment benefits of the people who are unemployed today. Five times it has been rejected. Multiple times we have chosen to not do the responsible thing for two groups of people. It is easy to come to the Senate floor and throw darts at people who have a drastic disagreement on where we stand in this country. But to imply that they don't care is out of bounds. The people in Oklahoma who are not getting unemployment checks today I care about just as much as the people who don't have a job who aren't getting one. But there is another group of people whom I am pressed to serve in Oklahoma as well; that is, their children. The assumption that this body can't make the hard choices to eliminate things that are much less important, much more wasteful, an absolute waste of Federal dollars and eliminate those things to pay for unemployment insurance is out of the bounds of reality.

My colleague from California mentioned several times that all the people who are getting these extended benefits have paid into a fund. They paid zero. This is extended benefits. The extended benefits are 100 percent paid for by Federal tax dollars. It is the 26 weeks, the routine unemployment, that is paid for through the unemployment fund. The extended benefits, long-term benefits, don't come from any pot of money except the pot of money of our grandchildren's future.

Let's put that to rest. There is not a Republican or a Democrat or an Independent in this body who does not want these folks to get extended unemployment benefits. We do. The question is, at a time when we are going to borrow $1.6 trillion this year alone against the future of our children, whether maybe we can find $30 billion, that doesn't come anywhere close to the priorities of helping people who are unemployed today. I reject out of hand the idea that we don't have any compassion. The fact is we do.

As a matter of fact, our compassion is both short term and long term. We are thinking about the habits of Congress that continually put the credit card into the machine and borrow against the prosperity and well-being of generations that follow. Let's not have any more talk about the fact that we don't want people to have unemployment. We do. We do want them to have unemployment. Multiple times we offered ways for that. It may, in fact, pass this afternoon or early this evening that we are going to extend them and not pay for it. But as the Senator from California said: It is a defining moment. It certainly is. Is the Federal Government, in this difficult economic situation, going to at least make some small attempt to rein in the $300 billion worth of waste, fraud, abuse, and duplication in the Federal Government? The answer we get is no. Discretionary programs over the last 2 years, not counting the stimulus—we can have the stimulus debate some other time—have risen 19.6 percent, when the average wage went up less than 2 percent. The Federal Government is now twice as big as it was in 1999, not counting the stimulus. We have 6,400 sets of duplicative programs that the body will not touch. They are all designed to do good things for people. They are highly inefficient, highly ineffective. Yet what we will do is not that hard work to get rid of the things that aren't working. We will just charge our children so we can say we took care of unemployment.

Hard times require hard decisions. What we are seeing is the easy way out. The easy way out is to not pay for this. The easy way out is to charge it to our children and grandchildren. There is no difference in the level of compassion. Everybody wants to take care of those who are unemployed. The easy way is to put it on the backs of our children and grandchildren.

The question is, Will we do the right thing for the country? Will we do the best right thing for the country or will we do the easy thing, the politically expedient thing, class envy, ''I am going make somebody look bad because they don't agree with me on the timing of something'' or will we act as a body that will ensure both caring for the now and ensuring the future? It is easy in the Senate to spend money you don't have. The bias is for it. The hard thing is to take and do the best right thing. My colleagues, many on both sides of the aisle, in numerous cases over the last 5½ years, have too often done the easy thing. We have all these fingers pointing at this administration did this and this administration did this. There are plenty of problems for every administration and every political party to be considered guilty on because too often both groups have done the short-term politically expedient thing rather than the best right thing for the country.

I had, at one of the events that my staff attended this weekend, an individual in Oklahoma who lost his unemployment insurance. He said: You tell Dr. COBURN to be sure and continue to pay for it. I want my unemployment insurance. I need my unemployment. I will not be able to make my house payments unless I get that. But I don't want that to come from my children and grandchildren. I want it to come from the excesses and waste in Washington today.

So there is another viewpoint, even though we hear it is a critically nonpertinent viewpoint. This isn't a partisan issue. This isn't a delaying tactic. This is a real philosophical difference on how we get out of the mess we are in.

A lot of my colleagues are not happy that I am a Republican a lot of times because I go after my party just as much as I go after anybody else's. But the fact is, core principles matter. Go look at the history of republics. The Senator from California talks about a defining moment. The defining moment for the Athenian Republic was when they decided to start spending money they didn't have on things they didn't need.

Here is our option today. The reason we are going to have motions is because we were given no opportunity to amend. That is the only reason we will have motions to suspend the rules. It has nothing to do with a delaying tactic. It has to do with a debate and a Senator's right to offer amendments. The Senator from California would be doing the same thing if the shoe was turned the other way. If she was precluded from offering amendments, she would find a way to offer an amendment, if she believed from a position, a conscientious position that can be defended on the basis of facts. You don't have to agree with it, but you can't deny there are economic factors that should play in how we pay for unemployment insurance.

You can demean us. You can say we are mean. You can say we don't care. But the fact is, none of that is true. It is an absolute untruth.

The defining moment is, Will we embrace the quality that built this country in the first place? That is, being responsible for the problems that are in front of us and not shifting that responsibility to generations that follow. That is what this debate is all about. When we left here for one break, we had agreed with Senator REID and Senator LEVIN about extending unemployment insurance. We were told by the Speaker of the House that she wasn't about to set the precedent of starting to pay for unemployment insurance. Why not? When we have a $1.6 trillion deficit, when we have $13.3 trillion worth of debt, when we are mortgaging the future of our children, we are stealing opportunity away from them as we do it, why not? Why not meet the challenges that are in front of us by responding in a way that says meeting people's needs today is important, and it is important we not take away from the needs of the future as we do so. Yet we are lectured that it is a partisan debate.

There is nothing partisan about this. In my soul, I want to help everybody out there who is unemployed and facing the tough times. But also in my soul is that I do not want to mortgage the future of any more American children, when we have tremendous amounts of waste, fraud, and duplication that can easily be eliminated.

One of the motions I am going to offer is to cut $40 billion from the Federal Government. America, tell me what part of this you do not agree with. The fact is, we are going to ask that we quit wasting money on real property. We spend $8 billion a year maintaining property we do not want. We have $80 billion worth of empty buildings. It is costing us $8 billion a year. Should we continue to spend that $8 billion or should we not spend that $8 billion and take that $8 billion and pay for unemployment insurance?

How about collecting unpaid taxes from Federal employees and Members of Congress. That is $3 billion. As to currently hired Federal employees, it is already adjudicated they owe $3 billion. I think we ought to pay it back. I do not think we ought to borrow from the future of our children and grandchildren because we do not have the guts to say: Pay up. Quit cheating the Federal Government, employee of the Federal Government. That is a small number in terms of the number of employees, but that is a big number: $3 billion. Let's have them pay up.

Why is it we are not going to eliminate $8 billion in bonuses to Federal contractors who did not meet the requirements to get a bonus, yet we gave the bonus anyway? Why not eliminate that rather than charge this to our children? Tell me why you will not vote for that? Do you think we ought to be paying bonuses to people who do not deserve them, contractors? It is $6 billion over a 4-year period in just the

Defense Department alone. But you do not want to get rid of that? You would rather charge the money to our kids than make the hard choice of alienating some defense contractor or some government contractor because they got something they did not deserve in the past, when somebody is unemployed who deserves to get unemployment insurance? I do not understand it. Or eliminating nonessential government travel—one of the things President Obama wants to do. We spend billions—$14.8 billion, in excess of that—on Federal travel. We are some of the worst abusers. Yet we will not discipline ourselves and set an example that we can use a teleconference rather than getting on an airplane and going somewhere—a video teleconference. At a time such as this, when we are having an economic problem, we will not make the hard decision to make tough choices that are maybe not as fun, maybe not as easy. What I have found is a video teleconference is a whole lot easier than travel, but we will not make that hard choice. We are not going to tell the agencies they are going to have to do it.

We will not even put on a Web site all the times we violate our own rules on pay-go. On February 12, we passed a law. It used to be a rule in the Senate, but now we passed a law. It is called pay-go. It says you cannot have new spending unless you pay for it. Since February 12, when the President signed that law, we have violated it to the tune of $223 billion, where we said: Oh, time out. The pay-go statute does not apply. We don't have to pay for it. We don't have to eliminate all the inefficiencies, all the duplication. We don't have to go after any fraud. We are just going to charge it to our children and grandchildren.

Where is the integrity in that? Where is the integrity? Where is the character in that? Where is the courage to do the tough thing that accomplishes both helping the people who are unemployed but helping our kids and helping our Nation? There is not any. There is none. It is the easy way out.

Lest you think I am making up this stuff, let me give you some examples of Federal duplication. I will just give you four easy examples. We have 70 different government programs—70 different sets of bureaucracies—that spend billions of dollars a year, and on none of them is there a metric to measure whether they are effective to help people with food who are hungry. Why 70? Why across six or seven different agencies? Why not one or two programs keenly focused with metrics on saying: Are we feeding them or not? Why not eliminate 68 sets of bureaucracy and overhead? That is a small one.

We have 105 different sets of programs to incentivize our young people to go into math, engineering, science, and technology. It costs $3 billion a year, for 105 different programs, in 9 different Federal agencies. They are not in the Department of Education. They are everywhere.

Nobody knows the data, but nobody will vote to make them accountable, make them transparent, eliminate the overhead, streamline the bureaucracy. No, we do not want to do that. This body has voted against doing that multiple times when those amendments have been offered.

We have a total of 78 job training programs outside the Department of Labor, costing billions of dollars a year, none of which have a metric on them. Yet we do not want to streamline that, eliminate it, get it down to two or three that are focused—some on the chronically unemployed, some on the new workers coming in, some on those who are handicapped who might need special assistance. No, we are going to keep the 70-plus programs we have because they are somebody's baby, all of which are highly inefficient and none of which can prove effectiveness when you measure them with a metric because they do not have a metric. They cannot demonstrate they are effective.

So the debate is not about whether we want to help people who are unemployed. The debate is about whether we want to help the people who are unemployed as well as the generations that follow us.

I am amazed, and continue to be so, how easily this body can abandon common sense. I do not know if we do not have it to begin with or if we are similar to a magnet, and it is two positives, so we repel any common sense. But nobody would run any organization—private, public—business or anything else the way we run the agencies in the Federal Government.

When you start wanting to do something about it, the only thing you get is: We can't. Well, the American people are asking us today: Please, do what you can. Do what you can. What we can do is we can pay for unemployment for the next multiple periods of months by eliminating things that are absolutely unnecessary.

Do you realize we can save $4.5 billion over the next 10 years by not printing stuff that people do not want. It is all online. We can save $450 million a year just by putting common sense into the Government Printing Office. It has been voted down three times on this floor this year. Why not? Why do we continue to take the easy task when the future of our country is going to be determined on whether we take the hard road and do the hard thing that benefits both the coming generations and those who are experiencing problems today?

I tell you why it is. It is because we say we care, but we do not. We play the game, but we do not get in the game. Getting in the game means that you get criticized, that you offer ideas, some of which may work and some of which may not, but you are not afraid to change the game because our kids' future, our country's future depend on changing the game.

What we have heard today is the resistance to changing the game. We do not have a future if we do not start making hard choices. It is an easy choice for me to vote with the Senator from California to pay for unemployment benefits. I want those people to get it. It is a hard choice for me to vote against it and say: Let's pay for it. If, in fact, you will pay for it, I will vote with you. It is not like we cannot find $40 billion. Every third grader in this country can find $40 billion in this budget. There is no rocket science to it. There is so much waste, so much duplication, and so much fraud that anybody can find it.

The question is, Do we have the will to do the best right thing for this country? One of the things I have learned in 5½ years in this body is that when people use straw men and people use half-truths, it is usually because they are hiding something. What is being hidden from the American public today? What is this debate truly all about? Is it just about unemployment or is it about we like the way things are?

We do not want to change the way things are, we do not want to get out of our comfort zone to solve the real problems of America, so, therefore, we will use all sorts of tactics to deflect what the real issues of the day are.

What are they? The Senator from California rightly outlines that millions of Americans need unemployment compensation right now. I am all for it. What is the other truth about where we are? The truth is, this country is on an absolute unsustainable course. The American people have awakened to it. They know it.

As the Senator from California knows, this is not new for me. I have been doing this for 5½ years. So it did not matter if it was the ''bridge to nowhere,'' which a Republican authored, or unemployment compensation today, I think we use common sense and do the best right thing for America, not the politically easy thing.

So the challenge before us today is to go home and explain, when this bill passes, why we charged it to the least of us. That is whom we are charging it to: to the least of us.

I told a story not long ago. In my profession as a physician, I have delivered nearly 4,000 babies—maybe over that. I quit counting. But the thing that has always gotten me, when I am delivering a baby—and I have a mother there and a father there and that baby comes out—is to see the glow on the face and in the eyes of those parents. The glow is about hope and promise for the future and about what things can be and the potential that is unlimited when that new life is here. You see it in the parents, and you see them puff up and say: Wow, what a phenomenon.

As I think about what we do today, we are stealing that. We are taking it from those kids because we refuse to have the backbone and courage to do the hard, yet the best right thing for this country.

We will hear a lot of speeches about how bad we are because we want to pay

for it. We will be talked down. It will be said that we want to obstruct. I honestly admit I don't want anything to go through this body that isn't paid for. You can count on it every time. Everybody on that side of the aisle, and most on my side of the aisle, have run in cross-wise with me on things that aren't paid for. They know. It is not a fetish; it is that I actually recognize the long-term future of this country depends on us getting our fiscal house in order.

So it is a defining moment, as the Senator from California said. But it is not the defining moment she thinks it is. It is the defining moment of whether this body is going to grab onto and truly accept the responsibility given to us by the American people. Will we truly accept it? How we act on it determines our commitment to this country.

I don't disagree with those who just want to get it through and get people paid. They have a right to have that position. I am not demeaning that position. I am just saying the country can't last if we keep doing it. Our kids don't have a future if we keep doing it. If we look at the budget projections for our country, we will run—even with the tax increases that are coming at the end of this year—we are going to run $1 trillion deficits until 2020.

Let me close with one final thought. We have a $4 trillion budget. We are going to run a $1.6 trillion deficit this year. That means we are going to borrow that from our children. The deficit by this time next year will be close to $14 trillion.

Have my colleagues ever thought about what $1 trillion is? My colleague from Georgia explained it to me. I didn't believe him, so I did the math.

If we spend $1 a second, so that means we spend $60 a minute, or $3,600 an hour—$3,600 an hour, the wealthiest in our country probably don't spend that, but let's say we did—how long would it take us to spend $1 trillion? The answer is 31,709 years spending $3,600 an hour before we ever get to $1 trillion. We get $1 trillion deficits $30 billion, $40 billion at a time, which is the cost of this bill. The way we start getting out of debt is to stop adding to it.

If we go back to February 12 when the law went into effect on pay-go, and we add this bill to it, we are going to be at $¼ trillion since February 12 that this body will have added to our children's deficit. It is not our debt. Nobody in this room and probably very few people listening to this debate are going to pay one penny against it. It is all going to be borne by the children coming.

So what is pay-go about? Pay-go is about this, America: You pay and we will go spend. We are seeing evidence of it today on the Senate floor. It is not just that we pay; We pay, our children pay, and our grandchildren pay. We are going to pay with real dollars, but our grandchildren are going to pay with lost opportunity, lower levels of education, lower levels of everything in the future.

There is not one problem in front of this country we can't solve. We can't solve them by borrowing money that we don't have to spend on a good thing, let alone a bad thing, but on a good thing while we allow hundreds of billions of dollars to be wasted every year in this country.

So when we hear the cry that somebody doesn't care, we have to ask the question, What do they care about? Can we care for those who are unemployed today as well as care for our kids? Yes, we can. It is really not all that hard, with the examples of waste and duplication. There is $100 billion worth of fraud in Medicare that we can document. So there are all sorts of things we can do. The question is, Do we have the courage? Will we step to the line? Will we do what is best for our children and the unemployed? That is the question. It is not that somebody doesn't have compassion for the unemployed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from California.

Mrs. BOXER. Thank you so much, Mr. President. As Senator COBURN was talking about the need to balance the budget, I was remembering that I voted to do that. With the leadership of Bill Clinton and the Democrats, we not only balanced the budget but we created surpluses. It was a great feeling. We did it, we know how to do it, and we will do it again.

Let's talk about what is before us right now. It is not about the unemployed versus our children. Our long-term unemployed have children, and these children are seeing their dads and moms with their heads in their hands, they see tears, and they don't know why. I have letters from my constituents. They don't know what to tell their kids. They are working so very hard.

So let's talk about what is before us today. We know how to get to the balanced budget. That is why we have budgeting. That is why we have authorizing. That is why we have appropriations. That is why President Obama has said he will cut the deficit in half at the end of his first term, and I am confident that will be the case, and maybe we can even do more. We know how to do that.

Hearing the Senator from Oklahoma say we are being partisan makes no sense at all. I sang the praises of my Republican friends who have joined with us in making sure we can extend unemployment benefits today. I thank God for them, frankly. So this isn't about partisanship. It is about pulling together as a country and recognizing that we are in the worst recession since the Great Depression. It is no time for partisanship. It is time to pull together and help our kids and help our families and help those who, through no fault of their own, find themselves in this predicament.

Why are we treating this like an emergency? That is what we are doing. It is something that has always been done because it is an emergency. President Ronald Reagan signed three extensions of unemployment compensation without paying for it because he believed it was an emergency and because he understood what we understand. He understood that when we, in fact, make sure unemployed people have this insurance—which they paid into, by the way—they will spend it locally, and every dollar of that unemployment compensation brings to the economy either $1.61 under calculations done by JOHN MCCAIN's economic adviser, Mark Zandi, or CBO, the Congressional Budget Office, which said it yields $1.90.

Some of the proposals we have seen from the other side are to cut other jobs in order to pay for extending unemployment benefits. That is not going to help us at this time.

So, yes, I remember the wonderful feeling I had when we balanced the Federal budget when Bill Clinton was President, when we created surpluses as far as the eye could see. The debt was on the way down. The minute the Republicans took over, they put tax cuts to the wealthiest on their credit card. They put two wars on their credit card. Spend, spend, spend, spend, spend. All that work we did was, unfortunately, reversed.

What is before us today is a very simple proposition. My friend from Oklahoma says he cares deeply about the unemployed. I have no reason to doubt that. He should join us today in voting to extend these benefits. Ronald Reagan saw it clearly. He extended them three times as emergencies because it is an emergency. He knew it was counterproductive to cut other jobs to pay for the extension of unemployment benefits.

We know how to balance this budget. Pay-go is a part of it. Pay-go: Pay for everything you do except emergencies. That is what we should be doing because to do otherwise is counterproductive.

I am so grateful we are nearing the point where we can extend these benefits. Yes, we have been delayed. We have been delayed for 2 months. I read letters into the RECORD before. Here is one:

> I have kept up a relentless job search. I have applied for at least 600 jobs. This is discouraging, not receiving any information back. Days go by when I hardly sleep at all worrying about the bills. We have had to concentrate all of our income on paying the rent and buying gas. I can't pay for other bills.

Another Californian:

> I am very scared of what might happen if I lose the unemployment income. We don't want to lose our home. My children catch me crying at times and ask me: Why are you crying, Mom? I can't tell them. Please pass this bill until this economy strengthens.

So, again, this isn't about the way the Senator from Oklahoma phrases it.

He makes it sound as though children aren't involved in this situation. They are. They are the children of the unemployed. So it is clear that, yes, we are going to have to tackle the deficit. Of course, we are going to have to tackle the deficit. We don't need to be lectured about that because we are the party that did it. We are the party that created the balanced budget. We are the party that created the surpluses, plus 23 million jobs, and the other side, unfortunately, didn't take very long to turn that whole thing around. This economy went into a ditch, and we are working hard to get it out of that ditch.

So I wish to close with this: Let's take care of this emergency. It is going to help our families. It is going to help our children. It is going to help our local communities when people can go down and buy the gas at the local gas station, buy the food at the local grocery store, and be able to be stable in the community. Then let's get back immediately to working on bills that are going to create jobs.

The small business bill that the Senator from Oregon has worked so hard on and the Senator from Louisiana has worked so hard on, and many of us have worked with them, that is a good bill and it is 100 percent paid for. It even has a plus to it. It is going to create jobs through small business. Small business creates more than 60 percent of the jobs in this Nation. We have a chance to help those who are struggling.

So we need to get this bill behind us and go to the small business bill. We are going to need 60 votes. They are filibustering that as well. So everything we do takes 60 votes.

If I read the list of supporters for the small business bill, it includes the Chamber of Commerce, the regional Chambers of Commerce, and businesses and community banks. They want to see this bill happen because our small businesses need access to credit. Our very good small businesses are being turned away. I visited so many of them. They are thriving even in this climate, but they need to expand and they can't get access to the capital.

So, please, let's not see a filibuster there as well. Please, let's not see delay there as well. Let's do this unemployment compensation, get the assistance to the people who deserve it, those who are actively seeking work, who can't find it through no fault of their own, and who paid into the unemployment compensation fund. Let's get that behind us. That will help our communities. Then let's get to the small business bill. It is a small business jobs bill. Let's do the right thing. We can get this economy back on its feet, but we need to work together.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, during the debate, I had a chance to sit in the chair for a while and listen to one of my colleagues from across the aisle. In the space of just a short period of time, that colleague turned this into a debate about courage, about integrity, about character, and about easy versus hard choices. In other words, he took all of his time to use attacks on those who do not share his version of economic policy and where our country should go. Rather than making the arguments, he made the personal attacks.

He also said something that struck me as right-on, which is that often when people are using personal attacks, they are trying to camouflage and only give half the story and trying to set up a straw man. That is certainly accurate.

What is the real debate we are having on the floor? Well, on one side, there is the argument—an argument I would weigh in favor of—that says we need to put this economy back on track, put families to work, and that it is through jobs for American families, and that we will restore the financial foundations not only of families but of our communities and of our Nation as a whole.

There are certain key things we can do now to accomplish that. Those things include helping our school districts create a bridge through this recession so we don't see thousands of teachers being laid off. There is a provision to assist our school districts in the Defense supplemental bill we will have in the Senate in the near future.

Second, we can assist families who are unemployed through no fault of their own and help them create a bridge through this recession.

Third, we can help our small businesses create jobs because there is a dysfunction right now in which our community banks that best understand Main Street are at their leverage limits and therefore cannot make additional loans. Indeed, the Chairman of the Federal Reserve was speaking to this challenge in the Capitol just an hour ago—the systemic dysfunction in which capital is hung up and unavailable to our small businesses. It is our small businesses that, by utilizing that capital, can seize economic opportunity and put people back to work. It is a good strategy to enable those funds to be available to small businesses and help recapitalize community banks. It makes money for the Treasury. The CBO estimated it will make $1 billion for the Treasury. It does it by enabling $300 billion in liquidity to small businesses. The CBO estimate of the funds that come back to the Treasury doesn't include the revenue created by families who are put back to work and pay income taxes or by small businesses that are more successful and pay more in business taxes.

So it is a win-win. We create a path by supporting our States through funds for education, and we create a path through this recession by helping families who are unemployed because the economy is in such a mess. We create a path out of this recession by creating jobs for American families by supporting our small businesses through our community banks. That is one version of how we can go forward.

My colleague across the aisle has a different version. The different version is—and this is the leadership of the Republican side that has been talking about this all this week. Their version is, no, instead of helping families, small businesses, and schools, we want to extend the Bush tax cuts to the wealthiest Americans. That is the path out of this recession, say my colleagues across the aisle.

There is a fundamental difference of economic strategy involved. What is striking to me is that we have a lot of information about the strategy being proposed by my colleagues across the aisle because this was the Bush Presidency strategy. We tried it. We found out that when you give away the National Treasury to the wealthiest Americans, you drive this Nation into debt. In fact, under the Bush administration, we doubled our national debt.

Under the very idea and plan for which my colleagues across the aisle are advocating, we drove this Nation's economy into the ground. To counteract that, the Bush administration said: Let's deregulate the banks and Wall Street and make everything move a little faster, and maybe consumers will spend a little more and banks will take more risk, and we will take away all the lane markers and the traffic signals in our financial system, and, by golly, somehow we will make this economy flourish.

Do you know what. They built a house of cards. It was a house of cards built on predatory mortgages and the securitization of those mortgages, with extraordinary leverage of up to 40 to 1 under that deregulation. That house of cards came down, and that house crashed on the American family, and that American family lost their savings for retirement. Families in my State lost their jobs, and the unemployment rate is huge. The families lost the health care that went with their jobs. Well, that is not a very pretty picture. But my colleagues, who brought us that Bush economic nightmare that crashed on the heads of the American families, are coming to this floor and saying: We want more of the same.

Earlier, my colleague across the aisle characterized that strategy as the ''tough'' choice, while he characterized the strategy of helping American families and small businesses and schools as an ''easy'' choice. Well, let's try to set these pejoratives or characterizations aside and just say that they are different choices—one, the revival of the Bush strategy, which is something like the summer sequel to a cheap horror story that wrecks the economy of the United States. That strategy is sitting as a potential idea and threat to our Nation.

Mr. REID. Mr. President, I ask, through the Chair, if my friend will

yield for me to make a unanimous consent request.

Mr. MERKLEY. I am pleased to yield to the majority leader for that purpose.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired, after the use or yielding back of time specified in this agreement; that upon the expiration of time, amendment No. 4426 be withdrawn; that debate on the motions to suspend the rules with respect to H.R. 4213, and that the motions not be divisible, as specified here, be limited to 20 minutes each, with the time divided equally between the proponents and the majority leader or his designee; that upon the expiration of all time, the Senate proceed to vote on the motions to suspend in the order in which offered; that after the first vote and prior to each succeeding vote in this sequence, there be 2 minutes of debate equally divided as specified above, with succeeding votes limited to 10 minutes each; that upon disposition of the motions, the motion to strike, which is at the desk, be agreed to; no further motions or amendments be in order; that the pay-go statement from the Budget Committee be read into the RECORD, and without further intervening action or debate, the Senate proceed to vote on the motion to concur with amendment No. 4425, as amended; further, that the motions to suspend be those which appear on pages S6034 and S6035 of the CONGRESSIONAL RECORD of July 20: two Coburn motions, the Brown motion, and two DeMint motions.

I also ask that my friend from Oregon now have whatever time necessary to complete his statement. How much time does he need?

Mr. MERKLEY. Five minutes.

Mr. REID. I ask that my request be amended in that regard.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, for everyone's information, we should be able to proceed through these pretty quickly. It is likely—and this doesn't take away from the statements to be made by my friends on the other side, and we may not use much of our time—that we can move these along fairly quickly. There will be five votes, and, as indicated in the consent agreement, the first will be the regular time, and after that there will be 10 minutes on the final four.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I note that there are a couple of issues raised that really are false issues. One is in regard to the debt. My colleagues across the aisle are proposing a massive increase of the debt by extending the Bush tax cuts, and they are saying that helping those who are unemployed through no fault of their own is an increase to the debt. This is coming from the same folks who brought us the Bush policy, the ones who doubled our national debt during the Bush administration and created the house of cards that crashed down upon the American families over the last 2 years.

So it is not about debt. When it comes to our children—and I hate to see the abuse of this argument—sound economic policy is the right thing. If we put families to work, those families are far healthier, those families have a foundation, they have a future, and they recognize there is a horizon that is brighter. They recognize they will be able to move forward to create opportunity for their children. That is the foundation of a successful family. But giveaways to the wealthiest at the expense of helping families is wrong for our children. If you don't put people back to work, you don't create an economic revival, you don't create revenues in the Treasury, and therefore you don't create the ability to pay down that debt.

So do we want the Bush policy 2, the nightmare that doubled our debt, or do we want the investment in families and education that we had under the Clinton administration and that we have under the Obama administration, which will put money back into the Treasury? I think the choice is clear: Let's shore up small businesses and our families, let's shore up education, let's put this economy back on track, and let's put people to work, and in so doing we will address and resolve the issue of the deficit.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the prior speeches. I don't necessarily agree with them, but I enjoyed them. There is plenty of blame to go around. We can go back to the fact that the majority party has been in charge for 4 years and President Bush is no longer in charge, so saying Bush this and Bush that—that gets old. We need to focus on problem-solving today.

One of the prior speakers mentioned that it takes 60 votes for cloture to move things forward. Sometimes you have those 60 votes. Other times, there are going to be 41. There are going to be 41 when you try to overspend, overtax, and overregulate and, I feel, make it so businesses cannot move forward to create those jobs that were just referenced and that we need to start to focus on.

Since I have been here, with all due respect, we haven't done much on jobs at all. That is frustrating not only for me but for the American people and the people of Massachusetts.

I am standing before you today to once again consider legislation to extend the unemployment benefits, and once again this legislation, as we know, will add approximately $30 billion to our Nation's debt, which is currently $13 trillion and rising. To put that into perspective, I have been here about 6 months, and I remember that when I first got here, the debt calculator was about $11.95 trillion. It is now $13.1 trillion—give or take—and rising, with no end in sight. I find that deeply troubling.

While it is clear that it appears we have the votes to advance this measure and it will pass the Senate, I have felt—and I have talked about it for a month now—that there is a better way. I stand before you to propose an alternative that will be fully paid for by using the bank account and not the credit card because rather than putting the cost on that credit card and passing it on to our children and grandchildren, it is the great-grandchildren who are being affected as well.

Listen, we on this side of the aisle want to help as well, and my colleagues on the other side of the aisle do too. It is not a partisan issue. I agree with the Senator who spoke before me. I agree with her. But no one is disputing the value of these programs, not only what it means to the citizens of Massachusetts and across the country who are having a difficult time, but our economy, as we know, is slow. It is showing signs every once in a while of recovering, but it is very slow. People out of work need extra assistance while they search for that new employment.

What I want to debate is whether we continue our spending ways to add to the credit card, to the debt, versus finding ways to pay for it with the money we have. I can tell my colleagues as the ranking member on the contracting subcommittee, looking at the amount of waste in Federal Government, we can find a way to pay for this program by using the bank account, not the credit card.

I am flabbergasted as to why we do not think outside the box. Some of the speakers before me said the Republicans are doing this; the Republicans are doing that. With all due respect, I have made many efforts to work across party lines, as you know, Mr. President, and as the other Members do too. Bipartisanship is a two-way street. You cannot tell me we also do not have good ways and good ideas to finance, to find ways to solve these problems.

The American people have made it very clear they want elected Representatives in Congress to start paying for the initiatives we are trying to push without raising taxes and start exercising the type of fiscal restraint they use in their own homes and that they use in their businesses.

Last month's vote on larger tax extenders legislation raised taxes by almost $60 billion and increased the deficit by $33 billion. It was defeated, and I feel rightly so. Congress must start listening to the American people. They are telling us they are tired of the overspending, the overtaxation, the increasing debt, the overregulation, and the involvement in their lives. They just want to be left alone and be able to go to work, pay the bills, take the kids out to a movie, pay for their mortgages, pay for school, and they do not want to have this constant reaching

into their pockets—just take your wallet and give it to them, just give it to them. Enough.

We have to start listening as a body. Forget the party bickering. Forget all that. I am way past that. I proposed a fiscally responsible way to pay for everything we are trying to do today. We can find a funding source without adding to the credit card, to that debt we all know about and is rising uncontrollably. We cannot keep spending like we are doing. I know it and many people in America know it.

This is not the first time Republicans have come to the floor to offer a path forward on emergency unemployment insurance that is paid for. We tried four times already to do just that, and each and every time it has been opposed.

As I said, my amendment pays for the cost of extending unemployment insurance by rescinding unobligated stimulus funds and cutting other stimulus funds that are estimated not to be used for years. We have already heard the stories about the waste and the fluff. Let's get the money out the door right now. Let's put it to work right now.

If this is an emergency as is being said, then let's get the money that is not being used out the door right now.

My amendment reduces the deficit by $7 billion instead of increasing it by $34 billion, as the present legislation that is being proposed will do.

Yes, my amendment is about hard choices. Recently, the Governors of both parties expressed concerns about how the stimulus funds have been spent and whether the true impact is accurate. States have also weighed in asking Congress for extended unemployment benefits and additional FMAP funding. I believe we have a clear choice where we can offset the amount of money we have and get it out the door, not using it as a Washington, DC, slush fund, as it is looked at in America.

The amendment I am offering today represents another compromise—listening to the concerns of so many Americans and their calls to extend emergency unemployment insurance specifically but also not burdening future generations and making sure we can actually pay for things, truly pay for things.

As I mentioned earlier, I have been in Washington for a little over 6 months now. Sometimes, as you might know, Mr. President, it seems like 6 years. You have followed my voting record, as I said. When I see a good bill, regardless of party, I will support it, no questions asked. Once again, it is a two-way street. Bipartisanship is a two-way street. It needs to come both ways.

MOTION TO SUSPEND

In closing, I move to suspend rule XXII, paragraph 2, for the purpose of proposing and considering my amendment No. 4492.

The PRESIDING OFFICER. The motion is pending.

Mr. BROWN of Massachusetts. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend provisions of rule XXII for the purpose of proposing and considering my motion to commit with instructions with respect to H.R. 4213, which is at the desk.

The PRESIDING OFFICER. Without objection the motion is pending.

MOTION TO SUSPEND

Mr. COBURN. Mr. President, I move to suspend provisions of rule XXII, including germaneness requirements, for the purpose of proposing and considering my amendment No. 4493.

The PRESIDING OFFICER. Without objection, the motion is pending.

Mr. COBURN. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I agree with my colleague from Massachusetts. The blame game has gone on long enough. There is certainly enough blame to go around. But I need to remind the majority that they have been in control of Congress for 4 years. Presidents do not write economic policy, spend money, or add to the debt. Congress does. The Democratic Party has been in control of both Houses since 2006.

When the Democrats took control, unemployment was below 5 percent, the economy was growing, and the debt was half of what it is today. Certainly looking at the projected debt of this administration, we are looking at tripling the national debt over the next decade.

It is time for us to focus on solving problems rather than trying to wax eloquent about a President who effectively did not write economic policy for over 4 years.

It is important today that we are extending unemployment benefits. But it is curious to a lot of us when the majority has often said unemployment compensation is one of the most important forms of stimulus, that when Republicans ask that we pay for the extension of unemployment benefits with unspent stimulus money, there appears to be outrage. Instead, there is a strong consensus on the Democratic side that we not pay for this; we just add it to the national debt.

I, frankly, do not think we can help people for a few months by bankrupting our country. We know our debt is unsustainable. To bring up bill after bill that we are not even willing to talk about how we pay for is disturbing to millions of Americans right now.

I certainly support my colleague from Massachusetts, as well as my colleague from Oklahoma, who are presenting amendments today, reasonable, commonsense ways that we can pay for the unemployment benefits extension so that helping people today does not diminish the quality of life of millions of Americans tomorrow.

Another issue that is going to affect millions of Americans is in just over 5 months tax rates for almost every American who pays taxes is going to go up. It is something that is not talked about, and Republicans are not talking about a tax cut. We are talking about keeping current tax rates the same.

A few weeks ago, I offered an amendment that would at least keep capital gains and dividend taxes the same rather than allow them to go up—dividend taxes to nearly 40 percent and capital gains from 15 percent to 20 percent. Many senior citizens count on dividends, as well as cashing in their retirement savings. Capital gains and dividend taxes have a huge impact on our senior citizens as well as millions of other Americans. Unfortunately, the majority voted this amendment down and voted effectively to raise these taxes on Americans.

Income taxes will go up. But today I want to focus on what I think is probably the most immoral tax that we impose on people from the Federal level, and that is the death tax.

This year, the death tax is gone, the first year since the early 1900s. Americans who work and save, start businesses, start farms, their heirs do not have to sell their property in order to pay the death tax.

The Heritage Foundation says if we allow the death tax to go back up to 55 percent, it will cost Americans over 1.5 million jobs because this is not just for the people who pay the death tax, it is for the people who work in the businesses and the farms that are often liquidated or at least sold in part to pay this heavy tax.

What right does the government have to take someone's property because they die? They have paid taxes on the property and on the income throughout their entire lives, and many times they paid a very high tax rate if they worked hard and made a good living.

What right do we have when they die to take that property? Why should the government get a bigger inheritance from someone dying than their family?

That is what is going to happen if we allow the majority to continue with their plans to allow the death tax to go up. This will cost lots of jobs, break up many family businesses and family farms, and cost, as I said, 1.5 million jobs. It makes absolutely no sense at all.

I am going to offer an amendment today to keep current tax rates the same for the death tax which was eliminated this year.

Another amendment I am going to offer relates to the Arizona immigration law. I took the time to read the immigration law that Arizona passed and found that much of what has been reported in the media is completely false. I was actually stunned as I read through it how often it refers to just the enforcement of existing Federal law. There is nothing in it about racial profiling, except that we cannot do it, and we cannot stop someone if we suspect them of being illegal. We can only

ask for documentation if we stop them or arrest them for some other crime. This is, in effect, the Federal law.

It is interesting that the Obama administration is suing Arizona for enforcing Federal law while ignoring many sanctuary cities that openly flaunt their resistance to Federal law. It makes no sense in a free country, in a democracy where we are built on the rule of law, for the Federal Government to try to intimidate the people of Arizona who are only trying to protect themselves.

As many Americans know, Arizona waited for years for the Federal Government to do its job, to secure the borders, and to protect the people from the drug trafficking, the human trafficking, and the people who come across and who have murdered the citizens there.

Many States are suffering the same fate of a Federal Government that has failed to secure our borders and to protect our people.

The amendment I am offering today is going to disallow any funding to be used by the Federal Government to carry out this lawsuit against Arizona. This is something we know, if the American people could vote today, they would vote in favor of. The question is, Will the majority vote to support the people of Arizona or to support this political move that we are now seeing from the White House to attempt to intimidate the people of Arizona?

I can say proudly that the people of Arizona are not going to be intimidated by this government. If we can provide some help today, that is certainly what I intend to do.

Mr. President, I wish to offer a couple of motions.

MOTION TO SUSPEND

In accordance with rule V of the Standing Rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering a motion to commit with regard to the estate tax, which is at the desk.

The PRESIDING OFFICER. Without objection, the motion is pending.

MOTION TO SUSPEND

Mr. DEMINT. Mr. President, according to rule V of the standing rules of the Senate, I move to suspend rule XXII for the purpose of proposing and considering a motion to commit with regard to the Arizona immigration law, which is at the desk.

The PRESIDING OFFICER. Without objection, the motion is pending.

Mr. DEMINT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, my high school English teacher always used to say: All right, let's review things. So let's review things just for a moment.

I have listened to some of this debate in the Senate today, and as best as I can tell, we have people standing, saying the deficit is a bad thing. I think there is general agreement about that in the Senate, and we have to do something about it. There is general agreement about that.

They say: We are going to make our last stand here on this deficit with respect to those who are out of work and who need extension of unemployment benefits. We were quick to give help to the wealthiest Americans, to the biggest investment banks that needed help. We gave hundreds of billions of dollars to those interests at the top of the economic ladder, who nearly ran the country right into the ditch. But those at the bottom of the ladder, who are out of work, who are unemployed, and who are having trouble, that is where they say they are making their last stand on deficits.

So let me try to understand this with a review. We are told the deficit is too high; that we cannot give help to the unemployed in the manner we used to give help to the unemployed. We always did that when there was an economic downturn. We have always done that. But, oh, by the way, what we need to do is to repeal the estate tax for the wealthiest individuals in America. I don't know. I took mathematics in a high school senior class of nine students, and I passed it at least. I can understand how things add up now and then. But I don't know how that adds up at all.

There are those coming to the floor of the Senate and having great apoplexy about giving help to the unemployed. By the way, some have even said: You give help to the unemployed, it just discourages them from work. Well, you know something, a guy told me the other day about a young third grader who was asked in his school—it was going to be his birthday—what he would like for his birthday; what kind of birthday present he would like. This little third grader said: A flashlight. The guy said: A flashlight? He said: Yes, so I can read at night. They turned off our electricity.

How many in this room would even understand having your electricity turned off and having a third grade son who can't read at night because there are no lights and asking for a flashlight as a gift? There is nobody in here who is unemployed—not one person in this room. This is a roomful of people who take their showers in the morning, not at night. They get up and put on a blue suit, a pressed white shirt and a tie and come to work—all fully employed—and we talk about the unemployed.

We are short 20 million jobs in this country. There are millions of people out of work. Five million manufacturing employees alone have lost their jobs in the last 9 years. As we ran into this deepest recession since the Great Depression, a whole lot of folks—yes, at the lower end of the economic ladder and in middle-income areas—have lost their jobs and can't find another job. When they worked, from their paychecks they paid a small premium for unemployment insurance. They paid for that insurance, and now they can't get the extension of that unemployment insurance in the Senate. Why? Because the last stand on deficits is to take place with respect to restricting the ability of those who are out of work from getting the funds to extend their unemployment benefits. That is the last stand.

Did my colleagues make that last stand with regard to the big investment banks that ran into trouble? No, not at all. They rushed that aid in on a pillow. Can we help you? How much do you need? But now that it is the folks at the bottom of the ladder, all of a sudden we don't have the capability.

Some of my colleagues just complained about speakers who wanted to talk about the past. You know, if you don't understand the past, you are destined to repeat it. I understand that neither side is much of a bargain—Republicans and Democrats. This country deserves more from both sides. I understand that. But I also understand what has caused this problem. I was on the floor of the Senate in February of 2001. By the way, when President Clinton left office 2 months prior to that we had the first budget surplus in 30 years—over $200 billion in surplus. President Bush said: You know, we have these projected surpluses now for 10 years. Let's get rid of them. Let's give big tax cuts, with the biggest by far going to the wealthiest Americans.

I stood on the floor and said: Let's be a little conservative. What if something happens? They said: You know what, we are going to give these tax cuts, and the biggest cuts are going to the wealthiest Americans. If you made $1 million a year, that bill gave you, I think, $80,000 a year in tax cuts. So everyone on that side voted for it. Absolutely. Happy to vote for it, to reduce this country's income. What happened? Very quickly, we ran into a recession. Then we had a terrorist attack against our country on 9/11. Then we were at war in Afghanistan, then at war in Iraq, and this Congress appropriated massive amounts of money as it sent young men and women to war and did not pay for one penny of it—not a penny. All of it went right onto the debt.

Those who cry the loudest on the floor of the Senate these days, right now, are the very ones who voted to reduce this country's income with the biggest benefits going to the wealthiest Americans. Yet now they come to us and say: Well, you know, now we are making our last stand for the unemployed—to prevent the unemployed from getting what they should get. By the way, while we are on the floor, they say: Why can't we repeal the estate tax that will help the wealthiest Americans?

Let me mention the estate tax for a moment. First of all, my colleague said death tax. He knows, and I know, there is no such thing as a death tax. If my colleague should die, his estate is not

taxed. His entire estate goes tax free, under current law, to his spouse. It is true this year there is zero estate tax for anybody, and my colleague didn't mention that was created in an architecture of tax cuts in 2001 that many of us voted against.

By the way, that turns out to have been just fundamentally goofy. They created estate tax relief that goes down, down, down, and down to zero in this year and then springs way back up in 2011. We didn't do that. That wasn't us. That was the other side. Now what they say is that they would like to repeal the estate tax altogether because they think it is a tax on death. It is not. It is a tax on inherited wealth and they know that.

But this year, because there is zero estate tax, about four billionaires have died and not one penny of their estate will be taxed and most of their estates were never taxed. They were growth appreciation of stocks and various assets never subject to a tax. Most people have an income and it is subject to a tax. They help send kids to school with that tax, pay to build roads, pay for police, pay for defense. But that runup in tax for the billionaires or that runup in income, I should say, has never borne a tax to support anything. My colleagues say: You know what, I want to make sure it doesn't ever bear a tax. Let's have the little folks pay a tax. Let's have the rest of the folks pay a tax but not the people at the top.

What an unbelievable irony that on the very day that we have people digging in the heels of their cowboy boots and saying we are making our last stand to prevent the unemployed from getting unemployment compensation they deserve—on the very day that they say we can't do that—they come to the floor of the Senate saying: But what we have to do as a priority is to relieve the richest Americans, the wealthiest Americans, of the obligation to pay estate tax. If there is any narrative that tells the American people whose side they are on, this little vignette describes it completely, in my judgment.

Let me mention that the reason it is important to understand how we got to this point is, we will never get out of it unless we understand that. A lot of my colleagues have been perfectly content for most of the decade standing on this floor deciding that we will ship men and women to Iraq and Afghanistan to fight, but we will not pay for the cost of a penny of it. They have been perfectly content to do that. I have come to the floor of the Senate to say: You know what, sacrifice works a number of ways in this country. If we are going to ask young men and women to sacrifice their lives, to go 12,000 miles away and strap on body armor in the morning and risk their lives by going in harm's way, perhaps we could ask the American people to provide the money to pay for it.

I have proposed that in the Senate. President Bush, at one point, said: You all do that, and I will veto the bill. My colleagues were content to say: Let's spend the money and put it all on the deficit. We will send kids to war and they can come back and pay the bill. That is how we got here. The second portion of how we got here is about 10 years ago we passed what was then called financial reform. I voted against that as well. That said to the biggest financial institutions in this country: Katy bar the door. Do whatever you want. We will not watch. We are taking away the protections that existed since the Great Depression. We will not look and we will not care.

As a result, we saw in recent years unbelievable speculation and gambling. It was not business, it was just flatout gambling. We saw the creation of exotic instruments—CDOs, derivatives, credit default swaps, naked credit default swaps, and the like—and we saw unbelievable, rampant gaming going on as opposed to thoughtful investing in this country's future. As a result, this country nearly had an economic collapse.

It is important for us to understand how that happened because we had regulators come to town who were supposed to regulate, and they boasted about being business friendly: Don't worry, we will not look. There is a new sheriff in town and this sheriff doesn't have a weapon. So don't worry about it. Then we saw a decade go by in which this country's economy nearly collapsed. So that is how we got where we are. It is important for people to understand that.

They say: Let's not review the past, but let me review one final point. When President Obama walked through the White House door, had he gone to sleep for 12 months, had he done nothing at all, he would have had a $1.3 trillion budget deficit because that is what the previous President left him—$1.3 trillion on autopilot.

Having said all that, let me say this. This deficit, in my judgment, is unsustainable. It cannot continue. We have to diffuse it. This is a timebomb that will destroy this country's economy inevitably at some point. We can't have a government the size and cost of which is such that the American people are either unable or unwilling to pay for it. You can't do that. So we have to fix it, and we have to fix it together. But if we don't learn from what happened, if we don't understand the past decade of what happened—going from a $200 billion-a-year budget surplus to the largest deficits in history and to a near economic collapse—we are destined to repeat it.

Again, it seems to me that everybody here are people of good faith. I don't come here suggesting that there are people of bad faith here, but there are some people with bad judgment here, for sure. All you have to do is look at the record. Those who say: Let's don't look at the record, I guess they do not want the record to be understood. I think the only way we get out of this unbelievable deficit and debt trap is to understand what has caused it. I will tell you this for sure. We are not going to get out of this mess by having people come to the floor of the Senate and say that one of the biggest problems in the country is the death tax, when no such tax exists. What an unbelievable spoof. Death tax my eye. We have a tax on inherited wealth and the only people who have been paying it are the people at the upper income levels.

We have had a $3½ million-a-year exemption for the husband, and a $3½ million exemption for the wife. That was last year's exemption. That means you don't pay a penny unless you have $7 million clear, husband and wife. How many families have that? But that is not enough, my colleagues say. In the middle of all this economic trouble we face, in the middle of wars and a near economic collapse, what is their priority? Get rid of the so-called death tax, which doesn't exist, or perhaps I can rephrase it for them: Get rid of the tax on inherited wealth for the wealthiest of Americans.

These are billionaires' best friends, I guess. I have nothing against billionaires. I guess I wish I was one. But when billionaires die, they, I think, ought to expect to be able to contribute something to this country. It is unbelievable to me. I hope people have listened to this discussion today and understand that their priority is to eliminate the estate tax, the tax on inherited wealth, which would only apply to the wealthiest Americans. It is unbelievable to me.

I have seen other unbelievable things, some of which have led to this current economic trouble. I hope perhaps in calmer times and perhaps more sober times we can discuss the best of what both parties have to offer this country because I think both parties do make a contribution.

We cannot wait much longer. This is not something we can delay, it is not something we can decide to postpone. This country is in trouble. We have a deep Federal budget deficit. It comes from the steepest decline in the economy since the 1930s. As a result of that decline, we have victims at the bottom of this economic ladder who have not had work, in some cases for 2 years. They wake up in the morning feeling helpless and hopeless, wondering, How on Earth can I find a job? What do I tell my family today?

This Congress, in my judgment, ought to at least pay as much attention to those folks at the bottom of the economic ladder as it has paid in the last 2 years to the interests at the top of the economic ladder. We shoveled hundreds of billions of dollars toward those at the top—the most comfortable pillows to make them rest, the medicine to calm their nerves. But when it comes to the people at the bottom, Will Rogers had it best. Here is what Will Rogers said 80 years ago and it applies today in this Chamber. Will Rogers said: ''The unemployed here ain't eating regular but we'll get around to

them as soon as everybody else gets fixed up OK.''

Let me say this. A whole lot of other folks got fixed up at the top of the economic ladder, at the top of this country's economy. A whole lot of folks got fixed up and it is the case that the unemployed here ''ain't eating regular,'' and this Congress, this Senate ought to care about that. It is part of our responsibility. Then let's get about the business of having a real debate, a thoughtful rather than thoughtless debate about all of the issues that affect us, such as spending and taxing, and let's use real terms, not things like ''death taxes'' that come from a pollster who decides they want to fool people. Let's use real terms in serious discussions between adults and try to figure out how we fix what is wrong with this country to put this country back on track.

This country deserves better. It is the first generation of Americans, I think, that believes its kids are not going to do as well as they did. We have to change that. This country has a lot to offer with a good future if we make some good decisions going forward.

Mr. LEVIN. Mr. President, for weeks we have sought to continue extended emergency unemployment benefits. We must do this because, while our economic recovery has begun, it has a long way to go. Our economy is not yet generating enough jobs to put people back to work who are searching for work. The repercussions of the worst financial crisis in generations are still felt across our country.

And so to help Americans who have lost their jobs through no fault of their own, we have sought to continue these extended unemployment benefits. We have met opposition and delay. Yesterday, we finally broke through the Republican filibuster that was the source of that delay.

Now we have a chance to do what we should have done weeks ago. In State after State, thousands of people await our decision, including more than 70,000 in my State. We cannot give them back the weeks of anxiety our delays have caused. But we can act today. I urge my colleagues to support this measure and give struggling American families the help they need and deserve.

Mr. DORGAN. 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. DORGAN. 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. DORGAN. Mr. President, my understanding is that all time has now been used.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

Amendment No. 4426 is withdrawn.

MOTION TO SUSPEND

Under the previous order, the question is on agreeing to the Brown of Massachusetts motion to suspend rule XXII, paragraph 2.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 56, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—42

Alexander	Crapo	Lincoln
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker

NAYS—56

Akaka	Gillibrand	Murray
Baucus	Goodwin	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Conrad	Leahy	Udall (CO)
Dodd	Levin	Udall (NM)
Dorgan	Lieberman	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 56. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There is now 2 minutes equally divided before a vote with respect to the first Coburn motion.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a very straightforward amendment. It is a re-vote where we voted 100 to 0 to make sure we are transparent with the American people about when we change and go around pay-go. All it does is create a Web site so the American people can see when we have done that and how often and what the total amount is. We voted 100 to nothing for it the last time it was presented to this body.

I yield back my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DORGAN. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the motion.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—49

Alexander	Enzi	McConnell
Barrasso	Feingold	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Nelson (FL)
Brown (MA)	Gregg	Pryor
Brownback	Hagan	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Tester
Collins	Klobuchar	Thune
Corker	Kyl	Voinovich
Cornyn	LeMieux	Webb
Crapo	Lincoln	Wicker
DeMint	Lugar	
Ensign	McCain	

NAYS—49

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Goodwin	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Conrad	Levin	Warner
Dodd	Lieberman	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	
Feinstein	Merkley	

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 49. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There is now 2 minutes evenly divided before a vote pertaining to the next Coburn motion.

Is all time yielded back?

Mr. INHOFE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

If all time is yielded back, the question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—54

Alexander	Enzi	McConnell
Barrasso	Feingold	Murkowski
Bennett	Graham	Murray
Bond	Grassley	Nelson (NE)
Brown (MA)	Gregg	Nelson (FL)
Brownback	Hagan	Pryor
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Cantwell	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Klobuchar	Tester
Collins	Kyl	Thune
Corker	LeMieux	Voinovich
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	McCain	Wicker
Ensign	McCaskill	Wyden

NAYS—44

Akaka	Feinstein	Menendez
Baucus	Franken	Merkley
Begich	Gillibrand	Mikulski
Bennet	Goodwin	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown (OH)	Johnson	Sanders
Burris	Kaufman	Schumer
Cardin	Kerry	Shaheen
Carper	Kohl	Specter
Casey	Landrieu	Stabenow
Conrad	Lautenberg	Udall (CO)
Dodd	Leahy	Udall (NM)
Dorgan	Levin	Whitehouse
Durbin	Lieberman	

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 44. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There will now be 2 minutes evenly divided prior to a vote with respect to the DeMint motion.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, this year is the first time in many decades that death in America is not a taxable event. For the first time in many, many years, folks who worked hard and built businesses, built farms, do not lose what they have worked for when they die.

The Heritage Foundation estimates that if we do nothing as a Senate and allow the death tax to go from zero to 55 percent, America will lose 1.5 million jobs because when we take the money and the property of the people who are working and running businesses and farms, it not only affects the families of those who die but those who work for those businesses and work on those farms.

It is immoral for us to take what people work for throughout their lives. Their property, their income has all been taxed at least once before. Let's do the right thing and vote for this amendment today. Let's keep the death tax at zero. This is not a tax cut; it is just leaving the tax rate the same.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this is an absurd amendment. This amendment would provide $1 trillion in tax breaks to the top three-tenths of 1 percent, and 99.7 percent of the American people do not get a nickel. Despite all the rhetoric we hear around here about fiscal responsibility, this isn't paid for. It is another $1 trillion over 10 years to our national debt.

I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to thank our colleague from South Carolina for giving us the opportunity tonight to decide whose side we are really on. We are talking about upward of $1 trillion in spending to help a few hundred of our wealthiest Americans. We would not be helping small businesses or family farmers, all of whom we support helping, but the wealthiest Americans—close to $1 trillion—or helping 2.5 million people who lost their jobs, are out of work through no fault of their own.

The crash on Wall Street, the crisis on Wall Street, which, unfortunately, colleagues chose not to vote to repair and to fix, has caused a situation where families are hurting.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—39

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lincoln
Bennett	Ensign	Lugar
Bond	Enzi	McCain
Brown (MA)	Graham	McConnell
Brownback	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Kyl	Wicker

NAYS—59

Akaka	Gillibrand	Nelson (FL)
Baucus	Goodwin	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown (OH)	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murray	

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 39, the nays are 59. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

There will be 2 minutes equally divided prior to a vote with respect to the second DeMint motion.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, this amendment disallows any use of taxpayer money to fund the lawsuit against Arizona for its immigration policy.

I hope all my colleagues have taken the time to read this bill because what has been reported on it, in most cases, is false.

This bill is very clear. Its intent is to support and enforce the Federal law to protect the citizens of Arizona. Our Federal Government should be doing its job to secure our borders rather than trying to bully and intimidate the people of Arizona. We should not be suing and hassling the people of Arizona for doing what we should be doing here, and that is protecting the citizenry.

I encourage all my colleagues to support this amendment to disallow any funding for this lawsuit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Is all time yielded back?

All time appears yielded back.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—43

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Baucus	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Tester
Cochran	Kyl	Thune
Collins	LeMieux	Wicker
Corker	Lincoln	
Cornyn	Lugar	

NAYS—55

Akaka	Cantwell	Durbin
Begich	Cardin	Feingold
Bennet	Carper	Feinstein
Bingaman	Casey	Franken
Boxer	Conrad	Gillibrand
Brown (OH)	Dodd	Goodwin
Burris	Dorgan	Hagan
Harkin	Lieberman	Shaheen
Inouye	McCaskill	Specter
Johanns	Menendez	Stabenow
Johnson	Merkley	Udall (CO)
Kaufman	Mikulski	Udall (NM)
Kerry	Murray	Voinovich
Klobuchar	Nelson (FL)	Warner
Kohl	Reed	Webb
Landrieu	Reid	Whitehouse
Lautenberg	Rockefeller	Wyden
Leahy	Sanders	
Levin	Schumer	

NOT VOTING—2

Bayh	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 55. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4497

The PRESIDING OFFICER. Under the previous order, the motion to strike, which is at the desk, is agreed to.

The amendment was agreed to, as follows:

Beginning on page 7, line 14, strike through page 11, line 18.

The PRESIDING OFFICER. The pay-go statement from the Budget Committee shall be read into the RECORD.

The legislative clerk read as follows:

Mr. CONRAD hereby submits this Statement of Budgetary Effects of PAYGO legislation for H.R. 4213, as amended by Senate amendment 4425, as amended. Total Budgetary Effects of H.R. 4213 for the 5-year Statutory PAYGO Scorecard, zero dollars. Total Budgetary Effects of H.R. 4213 for the 10-year statutory PAYGO Scorecard, zero dollars.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR SENATE AMENDMENT 4425, THE UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2010, AS AMENDED BY UNANIMOUS CONSENT ON JULY 21, 2010

[Millions of dollars, by fiscal year]

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase in the Deficit													
Total Changes	8,545	24,684	218	214	148	76	56	2	0	0	0	33,885	33,943
Less:													
Designated as Emergency Requirements [1]	8,545	24,684	218	214	148	76	56	2	0	0	0	33,885	33,943
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0	0
Memorandum—Components of the Emergency Designations													
Change in Outlays	8,545	24,495	0	0	0	0	0	0	0	0	0	33,040	33,040
Changes in Revenues [2]	0	−189	−218	−214	−148	−76	−56	−2	0	0	0	−845	−903

Note: Components may not sum to totals because of rounding.
[1] The bill would designate Sections 2 and 3 as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.
[2] Negative numbers represent a DECREASE in revenues.
Source: Congressional Budget Office.

The PRESIDING OFFICER. The question is on agreeing to the motion to concur in the House amendment to the Senate amendment to H.R. 4213, with amendment No. 4425, as amended.

Mr. NELSON of Nebraska. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—59

Akaka	Collins	Inouye
Baucus	Conrad	Johnson
Begich	Dodd	Kaufman
Bennet	Dorgan	Kerry
Bingaman	Durbin	Klobuchar
Boxer	Feingold	Kohl
Brown (OH)	Feinstein	Landrieu
Burris	Franken	Lautenberg
Cantwell	Gillibrand	Leahy
Cardin	Goodwin	Levin
Carper	Hagan	Lieberman
Casey	Harkin	Lincoln
McCaskill	Reid	Tester
Menendez	Rockefeller	Udall (CO)
Merkley	Sanders	Udall (NM)
Mikulski	Schumer	Warner
Murray	Shaheen	Webb
Nelson (FL)	Snowe	Whitehouse
Pryor	Specter	Wyden
Reed	Stabenow	

NAYS—39

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—2

Bayh	Vitter

The motion was agreed to.

Ms. CANTWELL. Mr. President, I move to reconsider that vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Ms. CANTWELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent to speak for up to 15 minutes as in morning business. I may ask to extend my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS LENDING

Ms. LANDRIEU. I am just to speak for 1 minute now and turn it over to the good Senator from Oregon, who will speak for a few minutes on this subject, and then the Senator from Washington State, as we wait for the underlying paperwork that is going to support this effort to appear. We thought we would not let this time be wasted.

We have just finished a very important vote on unemployment compensation that is going to extend benefits for 15 million Americans who are out of work. It was a very tough negotiation, but we got it done. Now we move on to another very important issue, to try to help build our way, find our way, out of this very difficult economic time in our country.

The Democratic leadership, occasionally with a few Members from the other party, have passed some very tough but important votes to make that happen under President Obama's

leadership. We are going to continue to do that tonight and through the next couple days and in the next 2 weeks, until we take a short break, and then come back, of course, in September to continue our work.

One of the bills we are going to move to right now is the small business lending bill, a jobs bill, the jobs bill focused on small business, because as all of us on this side—and I think some on the other side—recognize, this recession is going to end as quickly or as soon as we can deliver significant help in terms of capital, access to capital, reduction in regulations, and reduction in taxes to small business.

It is not that complicated. The jobs that are going to be created in America are not going to be created by the large corporations. In fact, there have been several front-page articles in the Washington Post, the New York Times, the Times-Picayune, my hometown paper, saying that actually the big corporations are making profits, they are hoarding cash, they are waiting because there is uncertainty out there on any number of fronts.

We cannot solve that entire uncertainty in the next few weeks or even maybe in the next few months, but we can lay down building blocks that will start increasing demand, giving access to capital to small business. Hiring will begin, and then the way forward will be more clear. So that is basically what this small business package does. It has three main components. I am not going to go into any detail because the Senator is here to speak. But one component came out of the Finance Committee with very broad bipartisan support. It is a tax-cut package for small business, about $12 billion—quite significant. Senators BAUCUS and GRASSLEY and others worked on that package, and we will discuss that at some future time.

The other piece came out of the Small Business Committee. There are probably eight or nine major items that came out with good bipartisan support that will help to expand and strengthen the SBA programs, which is one of the pieces, one of the essential pieces of this bill.

There are three very important pieces. The tax cuts of $12 billion for small business—not for big business, not for Wall Street but for Main Street businesses, $12 billion of tax cuts. There is a very strong bipartisan provision for small business. But there is one piece in the amendment that we will offer in a minute. It is going to be a LeMieux, Landrieu, Merkley, Boxer, Cantwell, and Klobuchar amendment we will offer in few minutes.

This is going to add a lending piece to this bill for small business. It is a small business access-to-capital piece. It is not for banks, it is for small business. I would like to now turn it over to Senator MERKLEY, who has been one of the lead designers and advocates and champions. He has been extraordinary. He has held any number of townhall meetings in his State. The people of Oregon should be extremely grateful for his tenacity on this, to stand up to many doubters here—or some doubters—to fight for this program.

We intend to fight for it because it is for small businesses, and they are desperate. We have spent about a year and a half up here talking about big business, international business, international tax code, bailing out Wall Street.

Well, these three Senators on the floor tonight will start the discussion about helping small businesses on Main Street. If we do not do this, and if this is not in the package, it is going to be a gaping hole that will exist in this package. I believe we can get this included in this package and that this will secure a great legacy for this Congress, to turn our attention to getting capital to businesses. Twenty-seven million small businesses are out there saying: Does anyone know that we are out here?

Well, I want you to know that Senator LEMIEUX from Florida, Senator LANDRIEU from Louisiana, Senator MERKLEY from Oregon, Senator CANTWELL, and I believe more than 60 Members of this Senate hear you, and we are going to fight now, over the course of the next couple days, to see if we can deliver for you $30 billion access to capital, which could, because it leverages itself 1 to 10, turn into about $300 billion for small business in America.

They deserve it. They are the ones that are suffering. These are the people who are losing 20 years of work, 10 years of work, not the fat cats, not the big business, not the Wall Street banks that are racking up profits out of the ceiling because we have fallen all over ourselves to stabilize Wall Street.

Well, we are about ready to put down a big fight for Main Street. You are either going to be for Main Street or you are against Main Street. We are going to see who is going to stand and be counted. This Senator is standing. I would like to ask him now to add his voice to this debate.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, thank you, and thank you to the Senator from Louisiana and your clarion call to go into battle, to fight for small businesses in our Nation.

We all know small businesses are the job-creating factories in America and that if we do not go to battle for our small businesses, that, indeed, we will be in this recession for a very long time, which will be certainly bad for our small businesses, it will be bad for all the citizens who would be employed by those businesses, and will certainly be bad for all those trapped in the deep, long recession. So I thank the Senator for her leadership.

Also, I would like to thank very much Senator CANTWELL for her outspoken advocacy on behalf of small businesses and on behalf of this effort to provide liquidity; to my colleague from California, Senator BOXER, who got involved very early as a partner in creating a plan to help address this fundamental challenge.

That challenge is the small businesses are having their credit lines cut and they are going to their community banks and their community banks are observing that, unfortunately, they are at the leverage maximum allowed under the rules so they cannot do additional lending.

So here we have banks that would like to lend. We have small businesses that would like to borrow and be able to put more people to work, to seize opportunities in our economy. But they cannot do it because we have this malfunction. This malfunction is the capitalization of community banks that enables them to lend more.

So this provision addresses that malfunction. It provides a mechanism to recapitalize community banks that are healthy. That then enables them, under the existing leverage requirements, to provide additional lending to small businesses across America.

Well, this wins on every level. First, it makes money for the taxpayer. CBO estimates it will bring in $1 billion of revenue, and that is not including the additional revenue from personal income taxes on the folks who get jobs because small businesses put people to work. It does not include the additional revenue from the small businesses themselves and their share of taxation.

So thriving individuals with jobs and thriving small businesses will create additional feedback to our Treasury, helping us to attack the deficit, in addition to the billion dollars that CBO estimates.

A couple questions have been raised about this strategy. One question that has been raised is: Well, will not community banks possibly take the additional capitalization and then sit on the funds? Indeed, that is a concern that has been addressed in the design of the program. The program says community banks will pay a dividend back to the Treasury of 1 percent if they provide the full leverage of lending to small businesses and 7 percent if they do not and somewhere in between if they are in between.

So you have a 7-to-1 provision. That is a huge incentive for the community banks to follow through and seize the lending opportunities, not sit by and wait for a sunnier day, if you will.

A second question has been: Well, is it possible that banks in this situation will make loans that they should not make? The answer there is no as well because the bank's profit is on the line. These are not guaranteed loans. If these loans fail, the banks would suffer. So this utilizes our community banks' wisdom and knowledge about what merits additional capital and what does not.

This is why this public-private partnership is powerful. It is powerful because it uses the expertise of the community banks, powerful because it puts people to work in small business, powerful because it allocates capital to the places where the small business entrepreneurs and the banks see that there is an opportunity to grow the business and to grow this economy.

A third concern has been that these funds might go to community banks that are in trouble. To address that issue, this program requires for the community banks to be healthy, as rated under a rating called the CAMELS rating.

Each letter in the term ''CAMELS'' stands for a component of the analysis of the health of the community banks—C for capital, for example; M for management; L for liquidity, and so forth. Healthy banks get the opportunity to increase their leverage and assist small businesses so they can thrive and put people to work. And we as a nation can find a path out of this deep dark recession.

I will wrap up my comments there and say this is the sort of commonsense effort to address a key chokepoint in the economy that we are expected to address by the citizens. It is right for the taxpayer. It is right in terms of alleviating the deficit. It is right for putting people to work. It is right for Main Street America. I urge my colleagues to join us in getting this done.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Washington State.

Ms. CANTWELL. Mr. President, the chair of the Small Business Committee, Senator LANDRIEU, does such a fabulous job standing up for small business. She is making sure in this battle that someone is standing up for individual business owners all across America who have had a horrible time getting access to capital. I thank her for her leadership, for making sure the voice of Americans, who have been talking to their Senators for months and months and months about the problem with access to capital, are heard.

I thank Senators MERKLEY and BOXER for originally sponsoring this legislation and this amendment to improve access to capital for small businesses. They both have been listening to their constituents in California and Oregon and know how critically important it is to pass this legislation.

I ask my colleagues who haven't made up their minds about this proposal to check with their offices in their States to find out if they have heard from small businesses expressing their frustration about the lack of access to capital. If they actually listen to what people are saying in their States, they will find story after story of people who are frustrated, angry, and questioning how it is that Wall Street could get a bailout that was without any specifics about when the Treasury was going to get paid back, yet Main Street is being denied access to capital right and left.

I know my colleague has traveled his State. I know the chairman of the committee has traveled her State. I know my colleague from California has been all over her State. We have heard about more and more companies. I had a Washington company in Vancouver that basically, when the Bank of Clark County was taken over by the FDIC—and even though the bank that took them over was getting TARP funds, this business had its performing lines of credit cut right out from under them. That just happened overnight. Another business in the same area immediately had their line of credit cut. Another company, Vancouver Iron and Steel, had never missed a payment on its loans, but it lost its line of credit. Another high-tech company that had international contracts was doing everything. Their line of credit was pulled right out from under them. They are still having challenges. Another company in Richland, WA, that was a biofuels company and had fuel cell technology had their lines of credit reduced. This made them stop taking advantage of increasing their payroll and their access and the demand for new alternative energy technology. I had another small business in the Spokane Valley that had been wanting to hire additional staff and to get a new business location so she could improve things. Obviously, she had an existing business. She was not given access to credit. Another enterprise back in the Tri-Cities was forced to withdraw their funding, and a project is on hold until they get another line of credit.

These are all businesses that are operating, that had relationships with their banks, had performing lines of credit, and have had that credit cut right out from under them.

I ask my colleagues, when are we going to stand up for small businesses that have had trouble getting access to capital, that have been penalized? I don't think any of these community banks about which we have been talking were doing derivatives. I don't think they were doing the incredible types of activity that got us and our economy into this mess. What they want to know is, if they didn't cause this mess, how is it that when it came to the big banks, everybody said: Yes, here is the opportunity for you; here are the keys to the Treasury; here is all the money, but now, when it comes to making sure community banks are loaning to small businesses, people are saying: No, Main Street doesn't have the same priority as Wall Street.

I hope America is listening tonight. I have never asked, but I hope Americans will call their Senators tomorrow and make them understand that they have been put in a precarious position. They have struggled through this economic crisis without access to capital, without help and support, without the bailout Wall Street was given. They want to know, are their Senators going to stand up for them and help them with a program, as my colleague from Oregon said, that basically is paid for and is budget neutral. In fact, the terms of these agreements will generate $1.1 billion and help us reduce the deficit. Small business is asking for an effective lending program through the community banks. That is all they are asking for. We gave Wall Street a bailout without any terms and conditions on repayment. Main Street wants to know if their Senators are going to stand up for them and get an access to capital program small businesses can take advantage of.

The chairman knows these numbers well, but 75 percent of new job growth in America comes from small businesses. But they are not going to be able to grow and expand and innovate if they don't have access to capital. Right now, they are not getting access to capital because of the new requirements that were put on after this financial crisis that they were asked to adhere to. We didn't ask Wall Street to adhere to that; we basically said: Here is your bailout.

Please, call your Senators. Make sure they hear your individual story about your business, how you didn't get access to capital, why it is important to get this program. If Americans call their Senators and discuss this program with them, we will get the votes we need to secure this legislation and empower Americans who are really going to restore the economy.

Ms. LANDRIEU. Mr. President, the Senator is aware that all 59 Democrats support Main Street, and we have been joined by the Senator from Florida, Mr. LEMIEUX. This is the LeMieux-Landrieu-Merkley-Cantwell-Boxer amendment. We will be joined by others. Would the Senator say again how we are going to explain that we did send billions to Wall Street with virtually no terms whatsoever, and now we have an opportunity to send money to small businesses on Main Street and we can't get a supermajority of Senators to do so? How are we going to explain this?

Ms. CANTWELL. I am sure some people will give us the details about what they believe the terms of the deal for Wall Street were. But it is safe to say there was no specific date that Wall Street had to pay back the money. No one ever asked them if they would be viable with or without the money. They were—in the blink of an eye, in some cases—given access to Treasury funds.

This is a program that has been done in a transparent process, with the input of lots of Members, input from both bodies, discussed by the Treasury Secretary in many public forums. It was in the President's State of the Union Address as a priority to get access to capital, the requirements and specificity of banks that want to apply. This isn't picking winners and losers

such as what was done in the haste of October, 2 years ago. This is about a bill that is an open process for banks that want to participate. These are the terms the Federal Government is setting up for participation, a very open and transparent process. The main difference is one was a bailout, and this is a lending program. I want to know why my colleagues don't support it, if they don't, because I think America supports making sure there is access to capital. They want to know why is it that the CEO of an AIG or another company can get access to all the capital they need from the Federal Government, but when it comes to a small business, they can't go to their community banks and get access to capital at this critical moment.

I hope we can resolve this issue and move forward. I hope Americans will call and speak up about this. Maybe there are some States that have not been rocked as hard. Maybe there are States that were not in the same situation as some of the ones we have heard from tonight. But it is safe to say that Americans have been squeezed by what has happened by this implosion of the economy. They know that their ingenuity can help restore the economy, that they need access to capital.

Ms. LANDRIEU. I thank the Senator from Washington.

We are joined now by the Senator from Rhode Island, who has been another champion for small business. He knows, as we all do, that small businesses are the engines that are going to lead us out of this recession. I am sure he has some information to share with us about his small businesses in Rhode Island. They must be absolutely flabbergasted that we are even having this debate because, as the Senator knows, there wasn't really this much debate when we sent billions to Wall Street with virtually no strings attached. Now we actually have to fight hard—we are going to have to do this for a couple days—to try to get some capital to small businesses in all of our States. This isn't a bank program. It is a small business program. It is a small business program for Main Street, the companies that have had their credit card rates raised, the companies that have had their lines of credit cancelled without notice.

Could the Senator from Rhode Island give us any more information as to what he is hearing in his State and why he thinks there are some Republican leaders who are adamantly opposed to this? It is mind-boggling to me.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank Senator LANDRIEU and also Senators MERKLEY and CANTWELL, who spoke before me, for the extraordinarily hard work they have put in to bring us to this moment. This is the culmination of a lot of hard work against what was for a long time unanimous Republican opposition. We couldn't get this done because we couldn't get one vote from a single Republican to help small business through our community banks. Thankfully, Senator LEMIEUX has broken the ice. Now we are in a position to go forward. There may well still be significant parliamentary maneuvers by the other side to slow it down and delay it rather than have it go smoothly, as it should.

The situation in Rhode Island is pretty dire. We are a small business State, and we have more than 12 percent unemployment. The situation in which that takes place is the one my colleagues have described.

The big banks are hoarding cash. They have been given access to the Treasury, and they are borrowing money at extremely favorable rates, but it is not filtering out. It is being invested for their own account, building up their balance sheets, not getting through to businesses, particularly not to small businesses. The big corporations are hoarding cash. That is putting pressure on employment and on small business. So for a small business, even if you are profitable, even if your loans to your bank have consistently been performing, the tightening up of credit on the community banks has restricted the funds that are available to even solidly performing small businesses that wish to invest and hire.

The solution for this is a wonderful one that Senator LANDRIEU, Senator MERKLEY, and Senator CANTWELL recommended, and that is to turn to our local community banks that were not a part of the Wall Street problem and know where the good businesses are. They have existing relationships with them. They would love in many cases to loan to them. They just don't have the capital. So this provision would bring together the capital available from the Federal Government and the expertise of the local community banks to meet the urgent need of America's small businesses. The market for capital has tightened so much that this kind of a mechanism makes a lot of sense. The government loans capital, and there is a fee. It is not giving it away; it is earning a fee, and it frees up additional capital for the banks in turn to loan, the local community banks, to bring their expertise to bear on those businesses. So the bank then loans the capital and it gets out the funds and the small businesses gather funds and from that capital they are able to go out and hire and invest and help to begin to further improve the economic climate.

This is a good idea. It is timely. I hope as we go forward. The good sense that Senator LEMIEUX has shown and the priority he has put on small business and local community banks is able to sink in a little bit further. Frankly, I wish we had been able to do this some time ago, but the absolutely unanimous blockade from the Republican Party has prevented this.

I will close by saying that having been a party to many of these discussions as the Senator from Louisiana has been keeping us abreast of her negotiations, I know what a long ordeal this has been for her. I know how tenacious the Senator from Louisiana has been on this. She has finally been successful in terms of delivering what is now a bipartisan amendment, and it is a great moment. I congratulate her and I look forward to working with her toward success.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator.

I wish to continue to speak as is required, not seeing anyone else on the floor. I appreciate the opportunity while we are waiting.

I love the analogy the Senator from Rhode Island mentioned about the blockade. We have breached the blockade. For the last 8 months there has been an inexplicable silence on the other side of this aisle as to why we cannot lend money to small businesses in America through the private sector. This is not a direct Federal lending program. This is not bloating the Federal budget. I hear from the other side every single day: Private sector solutions; reduce the deficit. May I say again to them now on the floor of the Senate that I have tried so hard over the last 8 months to explain this to them individually, and only one—only one so far—Republican Senator has heard the cries of his small business. Only one.

This is not a government program for banks. It is a public-private partnership lending strategy for small business. Have they not noticed that small businesses have closed their doors? Have they not noticed people in long unemployment lines that weren't just workers, they were business owners? Are they not listening? I am the chair of the Small Business Committee. I guess that is why I feel so protective of the community. It is not because I am such a great Senator; it is because I am a protective person, I guess. Some of my colleagues say it is because I am the oldest of nine children and I grew up protecting my eight little brothers and sisters. My dad laughs when I say this, but it is the truth.

I feel as though I have 27 million small businesses out there that have been a steady stream into my office since I became chair, begging with me, pleading with me, saying: Senator, does anyone know we are out here trying our best? You keep bailing out the big banks. You keep giving money to big corporations. Does anyone—anyone in Congress—hear us? I keep assuring them: Yes, people do hear you. We know how difficult it is. So I said: This isn't going to be a problem, ''Ms. Naive'' that I must be. This isn't going to be a problem. I am sure we can do this.

So I start talking to my colleagues and, sure enough, Senator MERKLEY and Senator BOXER had a beginning of an idea that had some problems with their general ideas, so we removed

those problems. We kept fashioning it. It kept getting better and better. The President then started talking about it. The Secretary of the Treasury started getting excited about it. We started lining up hundreds of endorsements from the independent banks, the community banks; almost every small business association in America. I am so excited I am thinking: You know, this is going to work. Then we get the score back from CBO and it doesn't cost anything. It makes $1 billion. It earns $1 billion. I am thinking: This is great. Our Republican colleagues can't possibly be against something that is a public-private partnership. It is not direct lending by the Federal Government. It is not creating a new bureaucracy. It is using the healthy community banks on Main Street that know our constituents, they know their customers, they know the businesses. They know the businesses. They want to help them, but they have restrictions on their capital. So this program allows them—voluntary, it is not mandatory; there are no onerous restrictions. You don't have to cap your salaries. You just have to be able to make good loans, and if you do, you will be rewarded by getting money at a cheaper rate than you normally would, so the community bank makes a little money. The small business gets the loans. We create jobs. People get employed. The recession starts ending. This is too good to be true. I guess it is, because lo and behold, I start hearing that the Republican leadership is opposed to this idea. I am still not believing what I am hearing.

I start going to each and every one and, sure enough, that seems to be the case. It is a shame. I can't even explain it or understand it. It has nothing to do with TARP money. It is not a TARP program. It is not a bank program. It doesn't have anything to do with banks except that we are working in partnership with banks to lend money to small businesses which are desperate for money.

I want to put up the chart to make it very clear. When the leadership over there comes and talks to me about banks not being supportive, they better come armed with some interesting data, because I have on the record the Conference of State Bank Supervisors, Neil Milner, president and CEO. There are not that many national bank organizations. There are only a few, and all of them are here. So for the other side to come to the floor and say there are some bank organizations that are not for this, they better be specific. It may be the big banks. I guess the big banks aren't for it. They can't even qualify for it. If the American Bankers Association is not for it, I understand that. They can't qualify for this. This isn't for them. They already got their money.

This is for the small banks. The only way you can even be in this program is if you have less than $10 billion. This is for the small banks. So if someone comes to this floor anytime in the next couple of days to debate this and they say: Oh, but the ABA isn't for this, I guess they wouldn't be. They are not involved in it. It is not even for them. Maybe the big banks are afraid of the competition from their community banks; I don't know. But there are 7,500 community banks out there and somebody should stand up for them. I know their PACs aren't as big. I know they don't give as many contributions. They don't have as much money as the big banks do. But they are in our neighborhoods, they are in our communities, and they know the small businesses. If we give them a little bit of help, a partnership, we could get some money to the small businesses of America.

So we have here Neil Milner, president of the Conference of State Bank Supervisors; they are strongly for it; the National Small Business Association. This isn't a bank but a strong small business association; John Arensmeyer, founder and CEO of the Small Business Majority; Independent Community Bankers of America and 28 State community bank associations. We are working on the others. I don't know why we don't have all 50, but we are working on it. Maybe there are a few community bank associations that are opposed to it. They have not shown themselves. Maybe they will. But we have 28 community bank associations for it, and the Independent Community Bankers. We have the National Bankers Association. They say:

> The Obama administration—continuing its efforts to lift the country out of a two-year recession—has hit a home run with its proposed $30 billion Small Business Lending Fund. This is not a bailout to small business and medium-sized banks; it is, instead, a true investment in a brighter future for America's working class.

It must be too good to be true, that we would actually pass an amendment that would be an investment in Main Street, an investment in America's working class. These people are working so hard right now at so many jobs to keep the roof over their heads, they don't have time to form PACs or give many contributions. I guess that is why we can't get some people to stand up and listen, but we better listen to them because they are all going to be voting in the next election. They might not have time to get organized to come to Washington and tell us about their woes, but they can walk right on down to the polls, and I hope they will remember this debate when they do. Every single Democrat is going to vote for this—every single one on our side—and we are going to have one Republican so far, and I hope we can get another one or two or three. Maybe we will be surprised and get a half dozen.

There are also hundreds of organizations that are supporting this, and I am going to read the ones I have. The American Apparel and Footwear Association; the American Bankers Association. Let me correct myself. They are for it. So for anybody who says they are not, they are for it. Arkansas Community Bankers, Associated Building Contractors, California Independent Bankers, Community Bankers Association of Alabama, Community Bankers Association of Georgia, Community Bankers Association of Illinois, Community Bankers Association of Kansas, Community Bankers Association of Ohio, Community Bankers of Iowa, of Washington State, of West Virginia, of Wisconsin, Fashion Accessories Shippers Association, Financial Services Roundtable, Florida Bankers.

I wish to thank the Florida bankers. They were very passionate in their advocacy, and both of their Senators are supporting this bill. I am extremely proud of Senator LEMIEUX and Senator NELSON who have stood up. They have listened to what their Florida bankers and Florida small business people are saying. They have been a State that has been most affected, or almost as affected as almost any other—maybe more. Florida has had a very difficult time. We bailed out the big banks. We bailed out the derivatives folks. We bailed out the swap kings and queens. Go through Florida. Their little shopping centers are all boarded up. Their condos are empty. The little bakeries that used to bake the doughnuts for the people who came to the condos, they can't sell any doughnuts. There is nobody there to sell them to. Can we help that bakery? I don't know why we can't seem to get anymore support from the other side, because Senator NELSON and Senator LEMIEUX hear them.

The Governors of Michigan, Ohio, Colorado, Connecticut, Illinois, Massachusetts, New Mexico, New York, North Carolina, Oregon, Washington, West Virginia. Do you think these Governors would send us a letter on something such as this if they didn't need it or want it?

These Governors—Republicans and Democrats—are doing everything they can every day to keep their small businesses. But because of the deficits in their States—because of the deficits we are struggling with because President Bush left us in a terrible situation—and Democrats helped to get us in that situation as well, so I am not just blaming the other side. But when this President came in, the deficits were huge. States have to balance their budgets. The occupant of the chair knows; he was a mayor. Mayors have to balance budgets. These Governors write us and say: Please, do this lending program; it will help our small business, and we will start generating tax revenues. It will help us get out of our deficit.

You would think the other side would respond to these Governors. Evidently, they have their ears closed. Independent Bankers of Texas, Independent Bankers of Colorado, Independent Community Bankers of New Mexico, Independent Community Bankers of South Dakota, Indiana Bankers Association, Louisiana Bankers Association.

My team has been terrific at home, and we are facing a very difficult situation with this moratorium. We are working very hard to modify it and overcome it. In addition to this, we have our own problems. But for heaven's sake, our bankers and small businesspeople know they need to get capital—right now, particularly.

Maryland Bankers, National Council of Textile Organizations, National Restaurant Association, National RV Retailers, National Small Business Association, Printing Industries of America, Small Business Majority, Travel Goods Association, Women Impacting Public Policy—I could go on and on, and I will.

I would like the other side, when they come back tomorrow—I know everybody took a dinner break, and I lost my appetite, so I stayed for a while. I hope when they come tomorrow to debate this issue they will at least have the guts to hold up some associations that are opposed. I would like to know who might be opposed to this, what association.

I said I would fight for small business as the Small Business chair, and this is one of the first big fights we are going to have. It probably will not be the last. I don't know if we will win, but we are going to give it a good try.

As my colleague from Washington State said, if people are listening, I know they are finding it hard to trust things they hear in Washington. I don't blame them. It has been a tough time. I hope they can trust me and those of us who have spoken tonight to say we are trying hard to give them $30 billion, which we will leverage up to a $300 billion access to capital through their own community banks—completely voluntary on their part—at rates that are normal. It is like they could actually borrow money at 6 and 7 and 8 percent instead of having to use their credit cards and pay 16 or 24 percent.

Evidently, there are people on the other side who like the idea that small businesses only have credit cards on which they pay very high rates. I think it is despicable. We tried to do that, and we were thwarted by them. We tried to get help on the small business credit card side, but we were told we could not interfere with private commerce. So small businesses out there are between a rock and a hard place, through no fault of their own. The equity in their homes has depleted substantially, so they cannot go take out a home equity loan.

The Republicans have made sure when they go to their credit card companies, they have to pay pretty high rates and they can't get help. Now when we offer them good loans at reasonable rates for their businesses through their own community banks they know, the Republican leadership tells us no. Maybe it is because they don't want this recession to end so they can blame President Obama and the Democrats for everything, and they can try to win the election. I hope that is not the case because small businesses should not be a pawn in the next election. We should be doing everything we can to help them.

This is a bipartisan amendment. Senator LEMIEUX and Senator NELSON from Florida have stood up, and I am hoping some of the other Senators on that side will stand up tomorrow and the next couple of days so we can get a good vote on this amendment and then pass the entire package.

Again, this is not a program for banks; it is a program for small businesses. It is a private sector partnership with community banks—small banks. Big banks cannot even qualify.

If you are a big bank in America, you can turn my speech off if you are listening. If you are above $10 billion, you can't be in this. It is only for the small banks and small business. That is all this is for—a partnership of lending. It makes $1 billion over 10 years. It will earn, it will generate, so the program doesn't cost anything. It earns $1.1 billion according to CBO score. So the taxpayers get some money at the end.

But that must be just too good for some people I don't know. I am looking forward to the debate. I think I am the last person to speak tonight. I will be here early on the Senate floor tomorrow. I will be here all day tomorrow. I cannot wait for someone from the other side to come and give me either one organization that is opposed to this or one good reason they can't vote for this amendment because we are going to vote on it. We are going to vote on this amendment, and it will be very clear that the 60 people who vote for it—and maybe 39 or 40 people who vote no—or maybe we will have 62 or 63 or 64—maybe we will end up having everybody. I hope so. If all the people who have said they support this provision will call and let their Senators know, maybe we will have success.

I may not win every battle as chair of the committee. I know I haven't been able to deliver for small business all the things they would like. I know they need more tax cuts and they need more regulation relief. But I know one thing they need; they need access to capital. They don't want to have to go to Wall Street and beg for it. They don't want to have to pay 18 and 24 percent on their credit cards. They would like to walk down the street to their friendly banker whom they know and extend their line of credit.

Why anybody in this Chamber would vote against them doing that, I don't know. But we are going to find out.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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. I thank the Chair.

SMALL BUSINESS LENDING FUND ACT OF 2010

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill, H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that all pending amendments and the motion to commit be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4499

Mr. REID. I have a substitute amendment at the desk. I ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BAUCUS, proposes an amendment numbered 4499.

Mr. REID. I ask that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4500 TO AMENDMENT NO. 4599

(Purpose: To establish the Small Business Lending Fund Program, and for other purposes)

Mr. REID. I now call up the Landrieu-LeMieux perfecting amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY, proposes an amendment numbered 4500 to amendment No. 4599.

Mr. REID. I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4501 TO AMENDMENT NO. 4500

Mr. REID. I do 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], proposes an amendment numbered 4501 to amendment No. 4500.

Mr. REID. I ask 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 of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

AMENDMENT NO. 4502

Mr. REID. I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment, No. 4502, to the language proposed to be stricken by amendment No. 4499.

Mr. REID. I ask that the reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4503 TO AMENDMENT NO. 4502

Mr. REID. I now 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] proposes an amendment numbered 4503 to amendment No. 4502.

Mr. REID. I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike ''5'' and insert ''4''.

CLOTURE MOTIONS

Mr. REID. Mr. President, I have three cloture motions at the desk. I ask that they be stated.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the Chair directs the clerk to read the motions.

The assistant 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 LeMieux-Landrieu et al. amendment No. 4500 to the Reid-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Mary L. Landrieu, Sheldon Whitehouse, Byron L. Dorgan, Roland W. Burris, Richard J. Durbin, John D. Rockefeller, IV, Robert Menendez, Carl Levin, Daniel K. Akaka, Debbie Stabenow, Patty Murray, Jack Reed, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Bernard Sanders.

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 Reid-Baucus substitute amendment No. 4499 to H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Mary L. Landrieu, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Bill Nelson, Richard J. Durbin, Charles E. Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan.

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 H.R. 5297, the Small Business Lending Fund Act of 2010.

Harry Reid, Max Baucus, Mary L. Landrieu, Tom Harkin, Christopher J. Dodd, Patrick J. Leahy, Bill Nelson, Richard J. Durbin, Charles E. Schumer, Al Franken, Patty Murray, Benjamin L. Cardin, Jack Reed, Roland W. Burris, Dianne Feinstein, Mark Begich, Amy Klobuchar, Byron L. Dorgan.

Mr. REID. Mr. President, there have been three cloture motions stated. I ask consent that the mandatory quorums be waived with respect to these motions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4504

Mr. REID. Mr. President, I have a motion to commit with instructions at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee with instructions to report back forthwith with an amendment numbered 4504.

The amendment is as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with opportunities for access to capital.

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. 4505

Mr. REID. Mr. President, I have an amendment to the 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 4505 to the instructions of the motion to commit.

The amendment is as follows:

At the end insert the following:

''and the economic impact on local communities served by small businesses,''.

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. 4506 TO AMENDMENT NO. 4505

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] proposes an amendment numbered 4506 to amendment No. 4505.

The amendment is as follows:

At the end, insert the following:

''and its impact on state and local governments.''

Mr. REID. I wish to express my appreciation for everyone's patience to get to the point where we are. Especially, I wish to express my appreciation to Senator LANDRIEU, who has worked tirelessly since Friday coming up with this. I support what she is doing. I am grateful for all her hard work.

I hope tomorrow we can work our way through these issues. I will tell everyone here that we are going to finish this small business jobs bill, with a little luck, in the next few days. We could do it tomorrow if we were able to advance the time.

We also have the supplemental appropriations bill, which is very important. We got that bill from the House. It has a lot of things on it, every one of which I support. But in my conversations with the Republican leader, he believes his caucus will not support most of the stuff that is on there.

So we are going to have a cloture vote on that at the earliest possible date. That is a message from the House. We could dispose of this also in the next 24 to 48 hours. So it is up to us how we work these out. I think we have heard enough of what we need to do in the next little bit. But we only have 2 or 3 weeks left after Friday. So we have a lot to do.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KISSES FOR OUR TROOPS

Mr. LEAHY. Mr. President, I am honored to share a Vermont community's tribute to the stout hearts and brave souls of the service men and women serving overseas.

This year, in recognition of Vermont's largest military deployment since World War II, the townspeople of

Clarendon, VT, sought a way to show their support for Americans stationed in Iraq and Afghanistan. At the town's elementary school, 39 children of the ages of 7 to 10 recorded a song called ''Box of Kisses'' for our troops in the National Guard. With the help of two local musicians, James Mee and Michael Mugrage, the students of Clarendon Elementary School devoted their lunch and recess time to this project. Students also spent their free time handcrafting more than 500 paper boxes filled with brief personal messages and pieces of candy as tokens of their thanks for the sacrifices being made by these Vermonters serving abroad.

Although Box of Kisses is being sent to hundreds of soldiers, this community's project is a highly personal act for many families in Clarendon. Within this school community of only 198 students, 12 people have family members serving in Afghanistan. Marcelle and I are so proud of and grateful for our Nation's servicemembers and their families. So are Vermonters in every community throughout our State, who are showing support for our soldiers' families in ways small and large every day—by mowing lawns, babysitting, shoveling sidewalks, and through many other small kindnesses. Clarendon's story is another example of why I am proud to be a Vermonter.

I ask unanimous consent that there be printed in the RECORD an article, published in the Rutland Herald, in which reporter Cristina Kumka tells this heartening story from Clarendon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, July 14, 2010]

LOVE IN A BOX: VERMONT RESIDENTS SEND KISSES TO AFGHANISTAN

(By Cristina Kumka)

All it took was one small Vermont community and one song to connect troops overseas with home.

Shortly after Vermont's largest military deployment since World War II occurred this January, residents of Clarendon and students from the town's elementary school wanted to do something for 10 families in their community with loved ones sent off to battle in Iraq and Afghanistan.

Children in grades 2–6, some of whom with mothers or fathers serving overseas, recorded a song by Rutland musician James Mee and fellow artist Michael Mugrage called ''Box of Kisses'' and made 200 CDs.

Then they crafted boxes using simple white paper and crayons and filled each one with a note and red, white and blue candy donated by the Vermont Country Store.

The children wrote what they knew—a simple ''thank you,'' ''I love you'' or other thought—to remind 500 troops individually what their purpose there was and how much their sacrifice meant to the children.

Most of the project was documented—the song posted on Internet and aired on public access television and student fundraisers for materials and support filmed on DVDs.

The CDs and the boxes are in the process of being airlifted or parachuted in to troops in populated or desolate areas of the Middle East until each gift is gone.

What began as simple gestures intended to remind troops of home has caught the attention of Americans across the country.

Mee said that in all in his 30 years in the music industry no other tune or project has drawn so much attention.

On Tuesday, Mee said he's been contacted by a major candy company looking to invest in the children's idea, a top music industry professional from New York and a Texas-based radio station serving a million military personnel and other listeners in more than 177 countries.

''I feel like I'm in a Disney movie,'' Mee said.

The song he originally created 10 years ago as a love ballad with the lyrics, ''When you're far from home, Feeling like you're all alone, Don't be afraid . . . cause you're always with us, When you open up your box of kisses,'' has never been so popular.

But the exposure is mere icing on a larger cake, Mee said.

''The kids are singing their hearts out, many who skipped recess and lunch, and there's something about that,'' Mee said. ''No matter how skeptical and cynical you may be, kids singing like that just melts your heart.''

Clarendon's Maria Stephan is hand-delivering one of the boxes and a copy of the song to First Sgt. Francisco Herrera, for his three children. Two of his children, Abigail and D.J., attend Clarendon Elementary School and were key members of the volunteer project.

The project was a way for them to keep their dad close to home even when he's away.

Stephan, a strategic planner with the Office of the Coordinator for Reconstruction and Stabilization who directly reports to Secretary of State Hillary Clinton, said the troops need reminders of home and America needs a reminder of them.

''People (some troops) have a sense when they come back that it's a forgotten war,'' Stephan said.

''With the whole McChrystal (former Gen. Stanley McChrystal) thing . . . sometimes the dangerous stuff gets forgotten,'' she said. ''It's nice to know people do care.''

STRONG FAMILY 50TH REUNION

Mr. GREGG. Mr. President, I rise today to recognize the accomplishment of a truly remarkable American family. This summer, the Strong family celebrates their 50th family reunion here in Washington, DC, the site of their first annual reunion. Although the rich history of the Strong family has been centered in the Mid-Atlantic States, I am proud that one of their daughters, Cindy Strong Woolfolk, has been a dedicated member of my staff, and served the people of New Hampshire for more than 11 years. In recognition of Cindy and her extraordinary family, Kathy and I offer our congratulations on this momentous occasion.

In the summer of 1960, Addie Cora Strong Dixon had a vision to honor and remember the life and legacy of her family by convening the first of many annual reunions. That first year's motto, ''Strong bond of love and support'', which so aptly describes Addie's love for her family, would also characterize the subsequent reunions held throughout the country and attended widely by members of her family. This year's motto for the Golden Anniversary Reunion, ''Celebrating Generations of a STRONG Legacy,'' serves as reminder to the next generations of Strong children to continue this important tradition and carry on the legacy of their family.

Throughout the years, the Strong annual reunion has become a major event not only for family members, but also for various notables who helped to shape our country's history including Federal, State and local politicians. One such notable, Rosa Parks, attended the 1993 family reunion in Detroit. I am also told that Addie's famous pineapple upside down cakes and the family's North Carolina-style BBQ are some of the best in the country.

On behalf of Kathy and myself, we extend our congratulations to Cindy Strong Woolfolk and her family. For those in the U.S. Senate family who have had the pleasure of getting to know Cindy and experience her laughter and warm personality, you have gained a sense of how special the Strong family is through her.

We applaud the Strong family for reaching this significant milestone and wish them strength and longevity for many more years to come.

KIMBERLEY PROCESS

Mr. FEINGOLD. Mr. President, I wish to express my concern about the future of the Kimberley Process, the global voluntary initiative to stem the flow of conflict diamonds. Last week, key members of the Kimberley Process, including governments, industry representatives, and civil society groups, met in St. Petersburg to break the deadlock over whether Zimbabwe should be certified to export its diamonds. A year ago, a review mission of the Kimberley Process traveled to Zimbabwe and documented extensive smuggling of diamonds and abuses against civilians by police and army forces at diamond sites. This rightly led to Zimbabwe's suspension from the process. However, Zimbabwe has threatened to continue with its exports regardless, and there has been a push by some Kimberley Process members to reinstate its certification.

Last week's meeting resulted in an agreement allowing Zimbabwe to export a limited number of diamonds on the condition that a new Kimberley Process Review Mission is permitted to return to the country and monitor conditions. This may be a workable agreement on paper, but it can only succeed with the good faith efforts of all parties, not least the Government of Zimbabwe. I am disappointed that members of the Kimberley Process did not take a stronger stand against certifying Zimbabwe's diamonds for export. Without proof that the government in question has changed the conditions that resulted in suspension, granting certification may be undermining the core components of the process. The onus should be on a government to prove such change has occurred before it is reinstated, not after. Now if this agreement is not implemented, I worry

that it will be a significant blow to the credibility of the process.

Zimbabwe is not the only country raising issues that threaten the credibility of the Kimberley Process. Last month, the Wall Street Journal reported that there continue to be abuses and killings by soldiers and private security guards in Angola around diamond mines. Angola is reportedly the world's fifth-largest diamond producer in terms of overall value. Meanwhile, the United Nations Expert Group on Cote D'Ivoire has reported for years on how groups in northern Cote D'Ivoire continue to extract and smuggle diamonds through neighboring countries in violation of UN sanctions. Diamond smuggling is also reportedly rampant in Venezuela, while the government there continues to evade the Kimberley Process. Across these countries and many others, weak government controls and limited enforcement options are enabling illicit diamonds to continue to enter the legitimate trade.

The inability of the Kimberley Process to effectively address these problems has exposed significant loopholes within the process. To begin with, the Kimberley Process defines ''conflict diamonds'' as ''rough diamonds used by rebel movements or their allies to finance conflict aimed at undermining legitimate governments.'' While this definition may have made sense in light of the civil wars in countries such as Sierra Leone and Liberia, it does not capture abuses and violence perpetrated today by government forces in diamond-producing areas around the world. In addition, the process lacks a clear, agreed-upon approach for dealing with cases of noncompliance like Venezuela or Zimbabwe. As we move into the 10th year of Kimberley's existence, we need to take a serious look at how we can best ensure the certification scheme has real power to investigate, monitor, and curb the illegal flow of diamonds, including ensuring serious consequences when a country does not live up to its commitments.

Since its inception, I have strongly supported the Kimberley Process as a vehicle to stop the trade in conflict diamonds and protect consumers and legitimate diamond producers from unwittingly participating in abuses. And the Kimberley Process has achieved a great deal in this respect, despite being a voluntary process and thereby having obvious limitations. But now I strongly believe we need to see the Kimberley Process recommit to its human rights agenda at the same time that it deals with the technical and procedural challenges that hamper its effectiveness. We still have a long way to go in curbing the flow of conflict diamonds and ensuring they do not make their way into our markets.

For these reasons, I believe we must look seriously at the effectiveness of the Kimberley Process and consider revamping its framework so it has real teeth. Doing so will require strong leadership, and I believe the United States as the world's largest consumer of diamonds and a key player in the creation of the process is well positioned to provide that leadership. Senator LEAHY and I have urged the Obama administration to put the United States forward to be vice-chair of the Kimberley Process for 2011 and thus chair in 2012. It is in our national interest to have a strong Kimberley Process, and it is a critical moment for the United States to exhibit leadership to that end.

ADDITIONAL STATEMENTS

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

• Mrs. BOXER. Mr. President, I wish to recognize and share with my colleagues an important milestone for the National Association of Clean Water Agencies, NACWA. The association celebrates its 40th anniversary at its annual summer conference and meeting July 20 to 23 in San Francisco. This year's conference, ''Sustainable Resource Management—Lessons from Clean Water's Past and Present,'' will surely inspire new solutions and innovative ideas to improve our country's water quality and protect the health of our children and families.

Established in 1970 by a group of individuals representing 22 large municipal sewerage agencies, NACWA now represents over 300 of the Nation's publicly owned wastewater utilities. NACWA grew up alongside the landmark Clean Water Act of 1972, which has been enormously successful at reducing pollution into our Nation's waterways. The 22 founding agencies of NACWA united behind a related mission: to secure investment in municipal wastewater treatment and improve water quality. As NACWA continued to grow and diversify, they have worked to promote watershed management and the health of our ecosystems.

Today, NACWA has an active membership of publicly owned treatment agencies stretching from coast to coast. NACWA provides its members with educational resources, community building, networking opportunities, and a forum for sharing best practices and building consensus on water policy.

I am so pleased to acknowledge NACWA's long and distinguished record of environmental advocacy. Clean, safe drinking water is essential to all of us. The association has been a leader on a range of issues affecting our water supply. Over the course of my career in the Senate, I have had the pleasure of working with NACWA on important legislation including the Water Infrastructure Financing Act and the Water Resources Development Act.

In 2008, I was honored to receive NACWA's Legislative Leadership Award for my efforts on the Water Resources Development Act, WRDA, of 2007. This historic legislation is of critical importance to our Nation's water quality and economy. WRDA 2007 garnered broad support on both sides of the aisle, and I am again working with my colleagues to pass a WRDA bill that will build on the important progress we made in WRDA 2007, continue investment in vital water resources projects, and create jobs rebuilding the Nation's aging water infrastructure.

I commend the members and staff of NACWA for their dedication and support for policies that advance clean water and a healthy, sustainable environment. Their efforts have certainly had a positive impact on our Nation's environmental policy and water quality. I look forward to working with NACWA to improve our Nation's water quality, ecosystems and infrastructure for years to come by supporting legislation that protects our Nation's waterways and water supply. Together, we can ensure clean water for future generations. Please join me in celebrating the 40th anniversary of the National Association of Clean Water Agencies.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4684. An act to require the Secretary of the Treasury to strike medals in I commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial and Museum at the World Trade Center.

H.R. 4842. An act to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes.

H.R. 5266. An act to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters.

H.R. 5301. An act to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Pollution

Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.

H.R. 5545. An act to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers.

H.R. 5604. An act to rescind amounts authorized for certain surface transportation programs.

At 12:59 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, with an amendment, in which it requests the concurrence of the Senate:

S. 1749. An act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

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. 5532. An act to amend the Immigration and Nationality Act with respect to adopted alien children.

At 4:35 p.m., a message from the House of Representatives, Mr. Novotny, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 725) to protect Indian arts and crafts through the improvement of applicable criminal proceedings, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4842. An act to authorize appropriations for the Directorate of Science and Technology of the Department of Homeland Security for fiscal years 2011 and 2012, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5266. An act to extend the final report deadline and otherwise reauthorize the National Commission on Children and Disasters; to the Committee on Health, Education, Labor, and Pensions.

H.R. 5532. An act to amend the Immigration and Nationality Act with respect to adopted alien children; to the Committee on the Judiciary.

H.R. 5545. An act to deauthorize a portion of the project for navigation, Potomac River, Washington Channel, District of Columbia, under the jurisdiction of the Corps of Engineers; to the Committee on Environment and Public Works.

H.R. 5604. An act to rescind amounts authorized for certain surface transportation programs; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5301. An act to extend the period during which the Administrator of the Environmental Protection Agency and States are prohibited from requiring a permit under section 402 of the Federal Water Control Act for certain discharges that are incidental to normal operation of vessels, to reauthorize the National Estuary Program, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes..

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–6747. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''South American Cactus Moth Regulations; Quarantined Areas'' (Docket No. APHIS–2010–0037) received in the Office of the President of the Senate on July 15, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6748. 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 ''Change of Address; Abbreviated New Drug Applications; Technical Amendment'' (Docket No. FDA–2010–N–0010) received in the Office of the President of the Senate on July 16, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6749. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 C.F.R. Parts 701, 702, 704, 708a, 709, 711, 712, 715, 716, 717, 721, 722, 741, 742, 745, 747, 790, 791, 792, 793, and 795; Technical Amendments'' received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6750. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Disclosures for Non-Federally Insured Depository Institutions Under the Federal Deposit Insurance Corporation Improvement Act (FDICIA)'' (RIN3084–AA99) received in the Office of the President of the Senate on July 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–6751. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kingsland, Texas)'' (MB Docket No. 09–180) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6752. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Boulder Town, Levan, Mount Pleasant, and Richfield, Utah)'' (MB Docket No. 04–258, RM–11000, RM–11149) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6753. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Maupin, Oregon)'' (MB Docket No. 09–130) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6754. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule to Implement Accountability Measures in Accordance with the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMO): 2010 Accountability Measures for the Commercial and Recreational Harvest of Greater Amberjack'' (RIN0648–AY89) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6755. A communication from the Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''2010 Final Specifications for the Spiny Dogfish Fishery Management Plan'' (RIN0648–AY50) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6756. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Comprehensive Ecosystem Based Amendment 1'' (RIN0648–AY32) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6757. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report to Congress on Dedicated Ethanol Pipeline Feasibility''; to the Committee on Energy and Natural Resources.

EC–6758. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Public Records'' (RIN3150–AI87) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Environment and Public Works.

EC–6759. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0098—2010–0102); to the Committee on Foreign Relations.

EC–6760. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research

(NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Research and Training Centers (RRTCs)—Effective Vocational Rehabilitation (VR) Service Delivery Practices'' (CFDA No. 84.133B–8) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6761. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—International Exchange of Knowledge and Experts in Disability and Rehabilitation Research'' (CFDA No. 84.133A–6) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6762. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—Center on Knowledge Translation (KT) for Employment Research'' (CFDA No. 84.133A–5) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6763. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Contract or Arrangement Under Section 408(b)(2)—Fee Disclosure'' (RIN1210–AB08) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6764. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act'' (RIN0938–AQ07) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6765. A communication from the Program Manager, Office of Consumer Information and Insurance Oversight, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Rules for Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services under the Patient Protection and Affordable Care Act'' (RIN0938–AQ07) received during adjournment of the Senate in the Office of the President of the Senate on July 16, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6766. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the University of Rochester Atomic Energy Project, Rochester, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6767. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Los Alamos National Laboratory, Los Alamos, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6768. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Downey Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the BWX Technologies, Lynchburg, Virginia, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6770. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the De Soto Avenue Facility, Los Angeles County, California, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6771. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Mound Plant, Miamisburg, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6772. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the St. Louis Airport Storage Site, St. Louis, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6773. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Bethlehem Steel Corporation facility, Lackawanna, New York, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–6774. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Implementation of OMB Guidance on Drug-Free Workplace Requirements'' (RIN1991–AB93) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–6775. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Report to Congress on the Assets for Independence Program: Status at the Conclusion of the Ninth Year''; to the Committee on Health, Education, Labor, and Pensions.

EC–6776. A communication from the Acting Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation; GSAR Case 2006–G504, Rewrite of GSAR Part 516, Types of Contracts'' (RIN3090–AI58) received in the Office of the President of the Senate on July 19, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6777. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–449, ''Georgia Avenue Main Street Authorization Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6778. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–461 ''Fiscal Year 2010 Balanced Budget Support Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6779. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–468 ''Elected Attorney General Referendum Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6780. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–469 ''Health Services Planning Program Re-establishment Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6781. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–470 ''Tenant Organization Petition Standing Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6782. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–471 ''Priority Sidewalk Assurance Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6783. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2010 Revenue Estimate in Support of the Issuance of $225,000,000 in Commercial Paper (Taxable and Tax Exempt)''; to the Committee on Homeland Security and Governmental Affairs.

EC–6784. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–048, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–6785. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6786. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stanley A. McChrystal, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6787. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Keith J. Stalder, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6788. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Joseph F. Peterson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 148. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act (Rept. No. 111–227).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 193. A bill to create and extend certain temporary district court judgeships.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1346. A bill to penalize crimes against humanity 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 Mr. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNS, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

By Mr. JOHANNS (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHUMER:

S. 3623. A bill to amend the Internal Revenue Code of 1986 to extend the payroll tax relief under the HIRE Act, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 3628. A bill to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes; read the first time.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; 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 Mr. SCHUMER (for himself and Mr. BENNETT):

S. Res. 589. A resolution to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States; considered and agreed to.

By Mrs. LINCOLN (for herself and Mrs. HUTCHISON):

S. Res. 590. A resolution designating September 2010 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable contributions to the culture of the United States; considered and agreed to.

By Mr. HARKIN:

S. Res. 591. A resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990; placed on the calendar.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. CARDIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 2095

At the request of Ms. MIKULSKI, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2095, a bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Alabama (Mr. SESSIONS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3036

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3188

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3188, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for biomass heating property.

S. 3232

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3232, a bill to amend the Internal Revenue Code of 1986 to make employers of spouses of military personnel eligible for the work opportunity credit.

S. 3238

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3238, a bill to provide for a medal of appropriate design to be awarded by the President to the next of kin or other representative of those individuals killed as a result of the terrorist attacks of September 11, 2001, and to the memorials established at the 3 sites that were attacked on that day.

S. 3335

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 3335, a bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress.

S. 3339

At the request of Mr. KERRY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3434

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3434, a bill to provide for the establishment of a Home Star Retrofit Rebate Program, and for other purposes.

S. 3501

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS) and the Senator from

Oklahoma (Mr. COBURN) were added as cosponsors of S. 3501, a bill to protect American job creation by striking the job-killing Federal employer mandate.

S. 3502

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNS), the Senator from Georgia (Mr. ISAKSON), the Senator from Kentucky (Mr. BUNNING) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3502, a bill to restore Americans' individual liberty by striking the Federal mandate to purchase insurance.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3572, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service.

S. 3583

At the request of Mrs. MURRAY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3583, a bill to amend title 38, United States Code, to increase flexibility in payments for State veterans homes, and for other purposes.

S. 3585

At the request of Mr. UDALL of Colorado, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3585, a bill to amend title 10, United States Code, to reform Department of Defense energy policy, and for other purposes.

S. 3620

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 3620, a bill to require the Secretary of Commerce to conduct a study on the economic competitiveness and innovative capacity of the United States and to develop a national economic competitiveness strategy, and for other purposes.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 579

At the request of Mr. BROWNBACK, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 579, a resolution honoring the life of Manute Bol and expressing the condolences of the Senate on his passing.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

AMENDMENT NO. 4492

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of amendment No. 4492 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. CRAPO, Mr. BROWNBACK, Mr. COCHRAN, Mr. RISCH, Mr. BENNET, Ms. KLOBUCHAR, Mr. FRANKEN, Ms. SNOWE, Mr. DORGAN, Mr. JOHANNS, and Mr. HARKIN):

S. 3621. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

Mr. JOHNSON. Mr. President, I rise today to introduce legislation with my friend, Senator MIKE CRAPO of Idaho, that will exempt Veterinary Medicine Loan Repayment Program, VMLRP, awards from Federal income taxation. I drafted this bipartisan bill with the intention of increasing veterinary services in underserved shortage areas that lack adequate veterinary expertise.

The United States Department of Agriculture's, USDA, Veterinary Medicine Loan Repayment Program was authorized in 2003 by the National Veterinary Medical Services Act, NVMSA, to help qualified veterinarians offset a significant amount of the debt they accrue while pursuing their degrees if they in turn serve in high-priority veterinary shortage areas for a certain length of time. It also authorizes additional loan repayments for service in Federal emergency situations. However, the awards are currently taxed at a rate of 39 percent. This taxation is counterproductive and only delays delivery of veterinary services to areas that are in desperate need.

In determining whether an area is eligible for assistance under the VMLRP, USDA has the ability to declare ''shortage situations,'' in which the Department makes declarations of veterinary shortage areas. Currently, there are two circumstances that lead to such designations. The first is by geography, when a given geographic area suffers a shortage of veterinarians overall. The second occurs when areas suffer a shortage of veterinarians who practice in a particular field of veterinary specialty. My home State of South Dakota currently has four designated shortage situations. Two of these designations are statewide designations noting a shortage of practitioners in veterinary specialties. On a national scale, there are 1,300 counties in the United States that have less than one food animal veterinarian per 25,000 farm animals. Bear in mind, the demand for veterinarians across our country could increase 14 percent by 2016.

South Dakota is truly a wonderful place to call home, but it is not always an easy place to earn a living. This is especially true for young people who are just starting out and are saddled with crushing levels of school debt. I have long fought for legislation that makes it easier for students to pay off their loans and to encourage others who may be reluctant to pursue higher education degrees, due to a lack of financial resources, especially when it comes to costly professional degrees including veterinary medicine. My legislation will help students pursue their educational goals, while also providing important services to underserved rural areas by enhancing the assistance veterinary graduates receive in exchange for meaningful public service.

Agriculture is the top contributor to our South Dakota economy. For those farmers and ranchers who make their living in agriculture, this is more than a job; it is a way of life. Our ranchers, many of whom operate in very rural areas, rely on the access they have to qualified veterinarians to care for their livestock. Adequate access to veterinary care in rural areas is critical for both human and animal health, as well as animal welfare, disease surveillance, public safety and economic development across America. Everyone in America benefits from the veterinary services provided in even the most remote areas of our nation. As such, I am committed to doing all I can to help bring veterinarians to underserved parts of our state.

I am proud to have fought for the establishment of the VMLRP program, and through my seat on the Senate Appropriations Committee. I have worked year after year to secure its proper funding. Unfortunately, however, the taxes assessed on these benefits prevent us from using congressionally appropriated funding to the fullest extent. For every three veterinarians selected for the loan repayment awards, an additional veterinarian could also

be selected if the program was made exempt from taxes. Such a tax exemption is not without precedent; Congress exempted from taxation the assistance received by participants in the National Health Services Corps, NHSC, several years ago, and I hope that my colleagues will join me in extending this same type of assistance to veterinarians participating in the VMLRP program.

It should be noted that 122 organizations from across our Nation have announced their support for a tax exemption for VMLRP, including the American Veterinary Medical Association, American Association of Equine Practitioners, the American Farm Bureau Federation, the American Sheep Industry, the National Farmers Union, and the South Dakota Veterinary Medical Association, South Dakota Farm Bureau, South Dakota Cattlemen's Association, South Dakota Stockgrowers Association and many others.

Agriculture is the economic engine that drives our rural communities, and without viable family farms and ranchers, our small towns and Main Street businesses throughout South Dakota and our nation would face significant hardships. It is absolutely essential that our agricultural producers have access to the services they need to be successful and responsible, and the Veterinary Medicine Loan Repayment Program Enhancement Act will help make that possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN VETERINARY MEDICAL ASSOCIATION GOVERNMENTAL RELATIONS DIVISION,

Washington, DC.

STATEMENT OF SUPPORT FOR THE VETERINARY MEDICINE LOAN REPAYMENT PROGRAM ENHANCEMENT ACT

The undersigned organizations urge Congress to pass the Veterinary Medicine Loan Repayment Program Enhancement Act, which will provide a federal income tax exemption for payments received under the Veterinary Medicine Loan Repayment Program (VMLRP) and similar state programs.

Since Congress passed the ''National Veterinary Medical Services Act'' (H.R. 1397, P.L. 108–161) on December 6, 2003, it has appropriated $9.6 million for awards. About $3.75 million will be used to pay taxes on the awards. Every dollar spent on taxes is one less available for loan repayment awards.

The first VMLRP awards to veterinarians practicing food supply medicine and veterinary public health in federally designated shortage areas across the country will be granted by the end of fiscal year 2010. Veterinarians selected for participation will receive up to $25,000 annually to repay eligible student loans in exchange for three years of practice in an approved shortage area.

Legislation amending the Internal Revenue Code to make loan repayment awards tax exempt should take effect for taxable years beginning after December 31, 2009. Each VMLRP award including taxes for three years will cost approximately $104,250 per veterinarian ($75,000 for loan repayment and $29,250 for taxes). If VMLRP were tax exempt, one additional veterinarian could be selected for every three awarded under current law.

There is precedent for tax exemption. The VMLRP's counterpart program for human medicine, the National Health Service Corps (NHSC) which provides loan repayment for primary care medical, dental and mental health clinicians, was made tax exempt by the ''American Jobs Creation Act of 2004'' (H.R. 4520, P.L. 108–357), enacted on October 22, 2004. Prior to that NHSC awards were treated as taxable income.

Exempting veterinary medical loan repayment and forgiveness program awards from federal income taxation will lead to more communities having access to needed veterinary care sooner than they may otherwise. We strongly support Congress' efforts to ensure that our nation's food animals are healthy, that our food supply is safe and secure, and our public health is protected.

Sincerely,

American Veterinary Medical Association, Academy of Rural Veterinarians, Alabama Veterinary Medical Association, Alaska Veterinary Medical Association, American Animal Hospital Association, American Academy of Veterinary Nutrition, American Association for Laboratory Animal Science, American Association of Avian Pathologists, American Association of Bovine Practitioners, American Association of Corporate and Public Practice Veterinarians, American Association of Equine Practitioners, American Association of Feline Practitioners, American Association of Food Hygiene Veterinarians, American Association of Public Health Veterinarians, American Association of Small Ruminant Practitioners, American Association of Swine Veterinarians, American Association of Veterinary Clinicians, American Association of Veterinary Laboratory Diagnosticians, American Association of Zoo Veterinarians, American Board of Veterinary Practitioners,

American Board of Veterinary Toxicology, American College of Laboratory Animal Medicine, American College of Poultry Veterinarians, American College of Theriogenologists, American College of Veterinary Dermatology, American College of Veterinary Pathologists, American College of Veterinary Radiology, American Farm Bureau Federation®, American Feed Industry Association, American Horse Council, American Meat Institute, American Rabbit Breeders Association, Inc., American Sheep Industry, American Society of Animal Science, American Society of Laboratory Animal Practitioners, American Veal Association, Animal Agriculture Alliance's, Animal Health Institute, Animal Welfare Institute, Arizona Veterinary Medical Association, Arkansas Veterinary Medical Association.

Association for Women Veterinarians Foundation, Association of American Veterinary Medical Colleges, Association of Avian Veterinarians, Association of Zoos & Aquariums, Bayer Animal Health, Boehringer Ingelheim Vetmedica, Inc., California Veterinary Medical Association, Center for Rural Affairs, Colorado Veterinary Medical Association, Connecticut Veterinary Medical Association, Delaware Veterinary Medical Association, District of Columbia Veterinary Medical Association, Elanco Animal Health (A Division of Eli Lilly & Company), Federation for Animal Science Societies, Florida Veterinary Medical Association, Georgia Veterinary Medical Association, Hawaii Veterinary Medical Association, Idaho Veterinary Medical Association, Illinois State Veterinary Medical Association, Indiana Veterinary Medical Association, International Lama Registry.

Iowa Veterinary Medical Association, Kansas City Animal Health Corridor, Kansas Veterinary Medical Association, Kentucky Veterinary Medical Association, Livestock Marketing Association, Louisiana Veterinary Medical Association, Maine Veterinary Medical Association, Maryland Veterinary Medical Association, Inc., Massachusetts Veterinary Medical Association, Michigan Veterinary Medical Association, Minnesota Veterinary Medical Association, Mississippi Veterinary Medical Association, Missouri Veterinary Medical Association, Montana Veterinary Medical Association, National Aquaculture Association, National Association of Federal Veterinarians, National Association of State Public Health Veterinarians, National Cattlemen's Beef Association, National Chicken Council, National Council of Farmer Cooperatives.

National Dairy Herd Information Association, National Farmers Union, National Livestock Producers Association, National Milk Producers Federation, National Pork Producers Council, National Renderers Association, National Turkey Federation, Nebraska Veterinary Medical Association, Nevada Veterinary Medical Association, New Hampshire Veterinary Medical Association, New Jersey Veterinary Medical Association, North American Deer Farmers Association, North Carolina Veterinary Medical Association, North Dakota Veterinary Medical Association, Northeast States Association for Agriculture Stewardship, Ohio Veterinary Medical Association, Oklahoma Veterinary Medical Association, Oregon Veterinary Medical Association, Pet Food Institute, Puerto Rico Veterinary Medical Association (Colegio de Medicos Veterinarios de Puerto Rico).

Pennsylvania Veterinary Medical Association, Rhode Island Veterinary Medical Association, Rocky Mountain Farmers Union, Society for Theriogenology, South Carolina Association of Veterinarians, South Dakota Stockgrowers Association, South Dakota Veterinary Medical Association, State Agriculture and Rural Leaders, Student American Veterinary Medical Association, Synbiotics Corporation, Tennessee Veterinary Medical Association, Texas Veterinary Medical Association, Utah Veterinary Medical Association, United Egg Producers, United States Animal Health Association, Vermont Veterinary Medical Association, Virginia Veterinary Medical Association, Washington State Veterinary Medical Association, Wisconsin Veterinary Medical Association, Wyoming Veterinary Medical Association.

By Mr. JOHANNS (for himself and Mr. SCHUMER):

S. 3622. A bill to require the Administrator of the Environmental Protection Agency to finalize a proposed rule to amend the spill prevention, control, and countermeasure rule to tailor and streamline the requirements for the dairy industry, and for other purposes;

to the Committee on Environment and Public Works.

Mr. JOHANNS. Mr. Pesident, I rise today to offer what I consider to be an enormously commonsense piece of legislation that is going to help our Nation's dairy farmers. No one can make up this stuff. If you can believe it, this legislation pertains to the EPA's regulation for oilspills. I said that right. What do oilspills have to do with dairy farmers, you might ask? Having grown up on a dairy farm myself, I didn't think they had much in common at all. But EPA apparently thinks differently on this issue than I do.

The EPA currently enforces what are known as spill prevention control and countermeasure regulations, often referred to as SPCC regulations. The purpose of these regulations is to prevent any oil from discharging into U.S. waterways. It seems to make sense so far. Under SPCC regulations, facilities that store or use oil or fuel must put in place a prevention plan so oil does not spill—that makes sense so far—or, if oil does spill, it is contained safely onsite.

I get all of that. These regulations have been in place since the passage of the Clean Water Act, dating back to the 1970s. We do not want oil spilling in our waterways. The regulations are meant to avoid such spills. I think everybody is probably with me so far.

But there is one problem. Currently, EPA's definition of oil, under SPCC regulation, includes, of all things—milk. If that doesn't make you want to scratch your head, if that does not occur to you as strange—I have to tell you that is in fact what is going on here.

Under the EPA regulations, milk containers could be subject to the same regulations as oil. Milk, which is made up of 80 percent water, which is an excellent source of calcium and protein—milk could be regulated in the same way as oil. That does not make any sense. I am no scientist but I don't think it takes a Ph.D. to see the difference between milk and oil. I have been drinking milk my entire life. As I said, I grew up on a dairy farm.

People drink milk because it is good for them. So these regulations are perplexing just standing on their own. But when we get a little deeper it is even more confusing that EPA is getting involved in the regulation of milk at all.

The Food and Drug Administration already regulates milk storage under what is called the pasteurized milk ordinance. Requiring milk storage facilities to also develop a SPCC plan would, of course, be costly, duplicative, and unnecessary.

Luckily, there is still some time remaining for us to address this issue. In January of 2009, EPA proposed to exempt milk storage from SPCC regulations. Way to go, EPA. If the dairy industry gets this exemption, they will not have to develop a plan to prevent milk from spilling.

Growing up on that dairy farm, I don't recall losing much sleep over a little spilled milk out of the bucket, so that is a step in the right direction. Unfortunately, and you will find this amazing, something that is so vested in common sense has taken over 1½ years after it was proposed. As I stand here today, the rule is not yet finalized. Every day we wait for an answer from EPA is a day closer to a deadline for compliance, which is November 10 of this year.

So the deadline to develop a spill plan is approaching. But the dairy farmers still do not know whether they are going to need to comply. EPA has been claiming they will extend the deadline until they finalize the rule, but so far we have not seen any action.

If they move at the same pace to extend the deadline as they have taken to finalize the proposed rule, then you can see producers and farmers are in big trouble. It has been over a year now. The dairy industry deserves a simple, straightforward answer from the EPA. This should not be tough, especially in the face of deadlines that are now only a few months away.

Today, to address this problem, I am introducing legislation to compel EPA to act. My bill requires the EPA to finalize the proposed rule exempting milk containers within 30 days. It also protects dairy producers and milk processers by preventing EPA from punishing them until EPA actually provides clarification about what they are doing.

Even though these farmers and rural businesses are facing a deadline in a few months, they still do not know what, if anything, they will need to do to comply, and that is not fair. This commonsense legislation would simply help us get an answer from the EPA. It is very concerning that anyone would ever equate milk handling with oil. That should not be what is happening. Milk and oil should not be in the same category.

You know what. That is just good, old-fashioned farm common sense. But it seems EPA officials are once again out of touch with mainstream America. I encourage those officials to leave the Beltway. There are highways that take you out of Washington. I invite them to visit a Nebraska dairy farm with me. It will not take long for them to see the foolishness of this regulatory effort.

Importantly, I urge them to act. Our Nation's dairy farmers have waited long enough with a cloud of regulatory uncertainty hanging over their heads. But until then, my hope is my colleagues will join me in this commonsense approach and deal with this problem.

I look forward to working with my colleagues.

By Mr. DEMINT (for himself, Mr. HATCH, Mr. ENSIGN, Mr. THUNE, Mr. COBURN, Mr. CORNYN, and Mr. SESSIONS):

S. 3624. A bill to encourage continued investment and innovation in communications networks by establishing a new, competition analysis-based regulatory framework for the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

Mr. HATCH. Mr. President, I rise today to join my colleague from South Carolina, Senator JIM DEMINT, in introducing the Freedom for Consumer Choice Act. I am pleased to be an original cosponsor of this legislation, which would require the Federal Communications Commission, FCC, to prove that consumers are being harmed by the lack of choice before it imposes new regulations.

Specifically, the proposed bill would require the FCC to weigh the potential cost of action against any benefits based on a showing of clear and convincing evidence that marketplace competition is not sufficient to adequately protect consumer welfare, and an act or practice is likely to cause substantial injury to consumers. I believe this framework, along with a 5-year sunset on any regulation, would foster a vibrant market for Internet services and content. This legislation is necessary to combat the FCC's latest assault on the Internet.

In April, the District of Columbia Circuit Court of Appeals ruled that the FCC had stepped beyond its authority by regulating the Internet with so-called ''net neutrality'' rules. Yet, it seems the FCC just will not take no for an answer. Just over a month after the appeals court ruled it had overstepped its bounds, the FCC sought to re-categorize broadband services in an effort to more actively regulate the Internet and to establish a set of net neutrality principles. This regulatory overreach could jeopardize hundreds of billions of dollars in investment and accompanying hundreds of thousands of jobs that have resulted from an Internet governed by competition.

The only reason the FCC Chairman and his colleagues are taking this path is because there is no way they can get far-reaching and costly net neutrality legislation through Congress. In fact it was recently reported that 282 Members of Congress, including 74 Democrats, asked the FCC to drop its plans to reclassify broadband. Enough is enough. The Government needs to keep its hands off the Internet so it can prosper and grow, benefiting consumers and our economy alike.

Net neutrality may sound like fairness but it is actually the opposite. Bandwidth is finite, like the finite number of lanes on a highway, and network providers must innovate in order to accommodate the burgeoning traffic. If the FCC takes control of the Internet, we will have the inevitable result of all poorly designed regulations: business decisions prejudiced by politicians and political decisions prejudiced by corporations. The Internet is about the most competitive, efficient and consumer-driven industry in the global economy. There is a time and

place for federal economic regulation, but during a recession is not the time, and the Internet is certainly not the place.

Let me conclude my remarks by pointing out that the Freedom for Consumer Choice Act is intended as a starting point for this debate. No doubt further refinements will be made to this bill during the legislative process. I am committed to moving this legislation forward and hope that my colleagues can join efforts to refine and enact this important bill.

By Mr. LIEBERMAN (for himself and Mr. MCCAIN):

S. 3625. A bill to enhance public safety by making more spectrum available to public safety agencies, to facilitate the development of a public safety broadband network, to provide for the spectrum needs of public safety agencies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleague Senator MCCAIN, to introduce legislation to ensure that we take advantage of a once-in-a-lifetime opportunity to build a coast-to-coast communications network for our nation's first responders that is secure, robust and resilient.

As it stands now, the mobile device the average teenager carries has more capability than those of the brave men and women who put their lives on the line for us each and every day and that's just wrong.

Today we introduce the First Responders Protection Act of 2010, which will set aside the so-called D Block of spectrum for public safety entities and provide them the bandwidth they need to communicate effectively in an emergency.

I am proud to stand with the representatives of more than 40 organizations representing public safety officials, and with the ''Big 7'' associations representing State and local governments, to call on Congress to put the D Block in the hands of public safety. Those groups include the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

Today public safety communicates on slices of scattered spectrum that prevent interoperable communications among agencies and jurisdictions, and that do not allow the large data transmissions that we take for granted in today's commercial communications.

Securing the D Block for public safety will allow us to build a nationwide interoperable network for emergency communications that could prevent the kinds of communication meltdowns we had during 9/11 and Hurricane Katrina.

But setting aside the D Block will also allow first responders to send video, maps, and other large data transmissions over their mobile devices. For example, firefighters' lives may be saved because they will be able to access building specifications on their handhelds and know all the exits of a burning building before they enter it.

I do not think it is wise, as the Federal Communications Commission has proposed, to auction the D Block to commercial interests and then to hope that public safety will be able to piggyback on it. In a crisis, first responders need secure, reliable and quick communications that are not disrupted by commercial traffic.

The First Responders Protection Act of 2010 will ensure that the D Block is licensed to the same public safety broadband licensee that currently holds the license for 10 MHz in the 700 MHz band. The bill would also provide up to $5.5 billion for a construction fund to assist with the costs of constructing networks and up to $5.5 billion for an operation and maintenance fund for long-term maintenance of networks. These funds would come from revenues generated by the auction of a different band of spectrum to commercial carriers.

Achieving nationwide interoperability through adequate spectrum is a major recommendation of the 9/11 Commission that is unfulfilled. I urge my colleagues to take bold action to remedy Congress's past inaction by promptly passing the First Responders Protection Act of 2010.

Mr. MCCAIN. Mr, President, today I share the honor with Chairman LIEBERMAN of introducing the First Responders Protection Act of 2010. This bill would provide 10 MHz of spectrum in the 700 MHz spectrum band to the public safety broadband licensee, make available funding for the construction, operation and maintenance of a nationwide interoperable communications network, and ensure proper governance.

In 2004, the 9/11 Commission's Final Report recommended the ''expedited and increased assignment of radio spectrum to public safety entities.'' Shortly thereafter, Senator LIEBERMAN and I introduced a bill to provide spectrum to public safety; however the Senate voted down that bill. We reintroduced the bill in 2005—a month before Hurricane Katrina hit the Gulf Coast. But our efforts were blocked. Fortunately, Congress finally wrestled some spectrum away from the television broadcasters in 2009 and provided it to public safety. However, public safety has additional spectrum needs.

Almost every other recommendation of the 9/11 Commission has been implemented, but this important recommendation remains unfulfilled. I can only imagine how many lives could have been saved on 9/11 if this spectrum had been available at that time. How many firefighters would be alive today if they could have communicated with their battalion chief at the base of the World Trade Center? Recently, in Arizona, we had a horrible murder committed in a rural area along the border. Cochise County Sheriff Larry Dever has stated that the lack of interoperable communications between the sheriffs' department and other law enforcement officers hindered the immediate investigation into tracking the suspect.

In 2007, I introduced legislation to auction the remaining public safety spectrum to a commercial carrier that would then build out a network for public safety. The FCC held such an auction, but no bidder met the reserve price. Ten megahertz of spectrum remains available for public safety's needs. The FCC has announced its intention auction this spectrum to a commercial provider.

Once this spectrum is auctioned, it will be impossible to ever get it back. That is why Congress must act now and provide the remaining spectrum directly to public safety. This legislation would do just that.

Specifically, this legislation would license the remaining spectrum to the public safety broadband licensee that has been previously approved by the FCC as a qualified licensee and represents 38 national public safety organizations. The legislation provides authority to local jurisdictions to make decisions on the spectrum use, network build-out and equipment. The men and women fighting crime and saving lives know what communications systems and technology are best for them. Not Washington.

Lastly, this bill provides funds for grants to localities for the construction, operation and maintenance of an interoperable communications network. These funds will come from the proceeds of a commercial spectrum auction, thereby not adding to our nation's burgeoning debt or raising taxes on all Americans.

As we approach the 9 year commemoration of the horrific events on September 11 and the 5-year remembrance of the devastating tragedy of Hurricane Katrina, it is disgraceful that police officers, sheriffs and fire fighters still don't have a nation-wide interoperable communications system. Our legislation provides the spectrum and funding to first responders, while being fiscally responsible and ensuring local control and conscientious governance.

This legislation is supported by the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Sheriffs Association, the Major Cities Chiefs Association, the Major County Sheriffs

Association, the Metropolitan Fire Chiefs Association, the Association of Public-Safety Communications Officials, International, APCO, the National Emergency Managers Association, the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association.

I hope my colleagues will join me in providing public safety with the interoperable communications network they deserve.

By Mr. FRANKEN (for himself and Mr. BOND):

S. 3626. A bill to encourage the implementation of thermal energy infrastructure, and for other purposes; to the Committee on Finance.

Mr. FRANKEN. Mr. President, today I am introducing the Thermal Renewable Energy and Efficiency, or TREEA, Act, on behalf of myself and Senator BOND. I want to thank him for working with me on this bill, which is inspired by models in both of our states. It is good policy for the environment, for creating jobs, and for increasing the efficiency of heating and cooling—a major yet often ignored part of our Nation's energy consumption.

As we think about carbon emissions and energy use, most of the conversation focuses on moving away from fossil fuels in the electric power sector. But over 30 percent of our country's energy use goes toward thermal energy—heating or cooling our homes, public buildings, or industrial facilities. Thermal energy is enormously important for my state of Minnesota, whether we're talking about heating in the midst of a cold snowy winter or air conditioning on a blazing summer day, when additional plants have to kick in to meet the demand.

Unfortunately, as we talk about changing the way we produce and use energy, thermal energy is usually ignored. We talk about producing significantly more of our electricity from renewables like solar, geothermal, or biomass. But what we forget is that we can much more efficiently produce thermal from these sources than we can from electricity. After all, when we are talking about energy efficiency, we are talking about how much of the energy produced from a given fuel is not lost as heat. Well, that heat has a value. That is heat that can heat the homes and buildings in Minnesota when it's 30 below zero.

That is what District energy systems have done in Minnesota and around the country. They supply hot water or steam and chilled water to buildings through underground pipes for space heating, domestic hot water, air conditioning, and industrial processes. There are tremendous efficiencies in heating and cooling buildings this way. Each building doesn't have to have its own boiler, and instead of burning fuel to produce electricity to heat a building, you take the heat directly from the fuel and put it to productive use.

When you use renewable fuel to produce thermal energy—whether it's biomass, geothermal, or solar-thermal—you cut down on greenhouse gas emissions at the same time. So capturing and efficiently using thermal energy is a win-win-win. It is a win for the environment through lower greenhouse gas emissions and much higher fuel efficiency. It is a win for consumers and businesses, who get low, stable heating prices. It is a win for the economy, because building and maintaining these systems creates jobs.

Minnesota is a national leader in thermal energy—in St. Paul, we have the largest District Energy system in North America. Most of the buildings in downtown St. Paul are heated and cooled using energy that literally comes from residents' backyards—tree trimmings and other waste wood.

What does this mean? It means less electricity usage for heating and cooling, which frees up strain on the grid during hot summer days and freezing winter nights. It means stable heating prices for consumers and businesses—thermal systems are flexible in their fuel and can switch to the lowest cost fuel at any time. And if these systems run on renewable fuels, it means less pollution contributing to global warming.

But there are some barriers to overcome. Right now, the renewable energy production tax credit is only available for electricity generated from renewables. We need to recognize the usefulness of thermal energy as well, and hence extend the production credit to the generation of thermal energy from renewables. That is exactly what our bill does: it allows thermal-only or combined heat and power facilities to access the production tax credit for their thermal energy, if it's produced from renewables.

We also need to make some tweaks to existing financing structures like tax exempt bonds. Currently, these can be used for financing district energy piping distribution systems, but not the plant facilities for producing the heating and cooling. Our bill would change this. Finally, we need to make sure that the grant programs authorized in the 2007 Energy Independence and Security Act are structured in a way that actually is helpful to thermal and combined heat and power facilities. Our bill raises the grant caps for those programs to more realistic levels that will allow large, more efficient projects to qualify.

This legislation is ultimately about being smarter on how we use energy. It increases our energy efficiency, helps reduce greenhouse gas emissions, and creates clean energy jobs. That is why it has the support of environmental groups, labor groups, the district energy and combined heat and power industry, and organizations promoting energy efficiency.

I am very proud to be introducing this bill with my friend from Missouri, and I look forward to working with all of my colleagues to make these modest changes to improve our use of thermal energy.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3626

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Thermal Renewable Energy and Efficiency Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Statement of policy.
TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES
Sec. 101. Extension of renewable electricity credit to thermal energy.
TITLE II—EXEMPT FACILITY BONDS
Sec. 201. Exempt facility bonds.
TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS
Sec. 301. Definition of institutional entity.
Sec. 302. Availability of grants.
Sec. 303. Authorization of appropriations for grants.

SEC. 2. FINDINGS.

Congress finds that—

(1) approximately 30 percent of the total quantity of energy consumed in the United States is used to provide thermal energy for heating and cooling building space, domestic hot water, and industrial processes;

(2) thermal energy is an essential, but often overlooked, segment of the national energy mix;

(3) district energy systems use 1 or more central plants to provide thermal energy to multiple buildings that range in size from campus applications to systems heating entire towns or cities;

(4) district energy systems provide sustainable thermal energy infrastructure by producing and distributing thermal energy from combined heat power, sources of industrial or municipal surplus heat, and from renewable sources such as biomass, geothermal, and solar energy;

(5) as of 2009, the United States had approximately 2,500 operating district energy systems;

(6) district energy systems provide advantages that support secure, affordable, renewable, and sustainable energy for the United States, including—

(A) use of local fuels or waste heat sources that keep jobs and energy dollars in local economies;

(B) stable, predictable energy costs for businesses and industry;

(C) reduction in reliance on fossil fuels;

(D) reduction in emissions of greenhouse gases; and

(E) flexibility to modify fuel sources in response to future changes in fuel availability and prices and development of new technologies;

(7) district energy helps cut peak power demand and reduce power transmission and distribution system constraints by—

(A) meeting air conditioning demand through delivery of chilled water produced with heat from combined heat and power or other energy sources; and

(B) shifting power demand through thermal storage and, with combined heat and power, generating power near load centers;

(8) combined heat and power systems increase energy efficiency of power plants by capturing thermal energy and using the thermal energy to provide heating and cooling, more than doubling the efficiency of conventional power plants;

(9) according to the Oak Ridge National Laboratory, if the United States was able to increase combined heat and power from approximately 9 percent of total electric generation capacity to 20 percent by 2030, the increase would—

(A) save as much energy as half of all household energy consumption;

(B) create approximately 1,000,000 new jobs;

(C) avoid more than 800,000,000 metric tons of carbon dioxide emissions annually, which is equivalent to taking half of all United States passenger vehicles off the road; and

(D) save hundreds of millions of barrels of oil equivalent; and

(10) constraints to significant expansion of district energy and combined heat and power include—

(A) the lack of economic value in the energy marketplace for the environmental, grid support, energy security, and local economic development benefits of district energy systems;

(B) relatively high project development costs due to the variety of institutional, legal, and technical issues that must be addressed; and

(C) the high costs of debt service, particularly in the early years of systems development before a broad base of customers has connected.

SEC. 3. PURPOSE.

The purpose of this Act is to encourage the implementation of thermal energy infrastructure order to—

(1) increase energy efficiency;

(2) increase use of renewable energy resources;

(3) revitalize the infrastructure of the cities and institutions of the United States;

(4) reduce local and regional air pollution;

(5) reduce emissions of greenhouse gases;

(6) reduce emissions of ozone-depleting refrigerants; and

(7) enhance power grid reliability and overall energy supply reliability and energy security.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States that, in energy policy development and program implementation, the following factors should be considered:

(1) Thermal energy represents a significant part of the energy requirements of the United States, providing building heating and cooling, domestic hot water, and industrial process energy.

(2) There are many opportunities for meeting thermal energy requirements directly through renewable energy sources or recycled energy (such as recovered waste heat), without generation of electricity.

(3) Policies and incentives for encouraging renewable energy and energy efficiency should address thermal energy as well as electricity.

(4) District energy systems provide an important means of delivering sustainable thermal energy to consumers, and provide energy security benefits, by—

(A) cutting peak power demand;

(B) reducing power transmission and distribution system constraints; and

(C) providing flexibility to modify fuel sources in response to future changes in fuel availabilities and prices and development of new technologies.

TITLE I—MODIFICATION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES

SEC. 101. EXTENSION OF RENEWABLE ELECTRICITY CREDIT TO THERMAL ENERGY.

(a) CREDIT TO INCLUDE PRODUCTION OF THERMAL ENERGY.—Section 45 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) CREDIT FOR PRODUCTION OF THERMAL ENERGY.—

''(1) IN GENERAL.—In the case of a taxpayer who—

''(A) produces thermal energy from a qualified energy resource described in subparagraph (B), (C), (D), (G), (I), or (J) of subsection (c)(1) at a qualified facility described in paragraph (2), (3), (4), (6), (7), (11), or (12) of subsection (d), and

''(B) makes an election under this subsection with respect to such facility,

subsection (a) shall be applied by substituting 'each 3,412 Btus of thermal energy (or fraction thereof)' for 'the kilowatt hours of electricity' in paragraph (2) thereof.

''(2) THERMAL ENERGY.—For purposes of this section, the term 'thermal energy' means heat (in the form of hot water or steam) or cooling (in the form of chilled water or ice).

''(3) ADDITIONAL QUALIFICATIONS.—

''(A) COMBINED HEAT AND POWER FACILITY.—In the case of a facility producing both electricity and thermal energy, such facility shall not be treated as a qualified facility unless such facility—

''(i) meets the requirements of section 48(c)(3)(A) (without regard to clause (iv) thereof), and

''(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

''(B) THERMAL FACILITY.—In the case of a facility producing only thermal energy, such facility shall not be treated as a qualified facility unless such facility—

''(i) has an energy efficiency percentage (as determined under section 48(c)(3)(C)) in excess of 60 percent, and

''(ii) was originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.

''(4) DENIAL OF DOUBLE BENEFIT.—If an election under this subsection is in effect with respect to any facility, no credit shall be allowed under subsection (a) with respect to the production of electricity at such facility.

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall specify the facility to which the election applies and shall be in such manner as the Secretary may by regulations prescribe.

''(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.''.

(b) NATURALLY OCCURRING COLD WATER SOURCES TREATED AS QUALIFIED ENERGY RESOURCE.—Paragraph (1) of section 45(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting '', and'', and

(3) by adding at the end the following new subparagraph:

''(J) naturally occurring cold water sources which are used to provide thermal energy for air conditioning.''.

(c) QUALIFIED FACILITIES.—Section 45(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) NATURAL AIR CONDITIONING SYSTEM FACILITY.—In the case of a facility providing thermal energy for air conditioning from naturally occurring cold water sources, the term 'qualified facility' means any facility owned by the taxpayer which is originally placed in service after the date of the enactment of the Thermal Renewable Energy and Efficiency Act of 2010, and before the date which is 5 years after such date.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 45(b)(4)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or thermal energy'' after ''electricity''.

(2) Section 45(c)(2) of such Code is amended by inserting ''or thermal energy'' after ''electricity''.

(3) Section 45(d) of such Code is amended by inserting ''or thermal energy'' after ''electricity'' each place it appears in paragraphs (2), (3), (4), (6), (7), and (11).

(4) Section 45(e) of such Code is amended by inserting ''or thermal energy'' after ''electricity'' each place it appears in paragraphs (1), (4), and (9).

(5) The heading of section 45 of such Code is amended by inserting ''and thermal energy'' after ''electricity''.

(6) The item relating to section 45 in the table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting ''and thermal energy'' after ''Electricity''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to energy produced and sold after the date of the enactment of this Act.

TITLE II—EXEMPT FACILITY BONDS

SEC. 201. EXEMPT FACILITY BONDS.

(a) DEFINITION OF LOCAL DISTRICT HEATING AND COOLING FACILITIES.—Subparagraph (A) of section 142(g)(2) of the Internal Revenue Code of 1986 is amended by striking ''a pipeline or network (which may be connected to a heating or cooling source) providing hot water, chilled water, or steam'' and inserting ''equipment for producing thermal energy in the form of hot water, chilled water or steam, distributing that thermal energy in pipelines and transferring the thermal energy''.

(b) PUBLIC USE REQUIREMENT.—The Secretary shall promulgate regulations establishing that a local district heating or cooling facility will be treated in all events as serving a general public use for purposes of the Internal Revenue Code of 1986.

TITLE III—ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS

SEC. 301. DEFINITION OF INSTITUTIONAL ENTITY.

Section 399A(a)(5) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(a)(5)) is amended by inserting a ''not-for-profit district energy system,'' after ''utility,''.

SEC. 302. AVAILABILITY OF GRANTS.

Section 399A(f) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(i), by striking ''$50,000'' and inserting ''$90,000'';

(B) in subparagraph (B)(i), by striking ''$90,000'' and inserting ''$150,000''; and

(C) in subparagraph (C)(i), by striking ''$250,000'' and inserting ''$600,000''; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''$1,000,000'' and inserting ''$20,000,000''; and

(B) in subparagraph (B), by striking ''60 percent'' and inserting ''30 percent''.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Section 399A(i)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1(i)(1)) is amended by striking ''$250,000,000 for each of fiscal years 2009 through 2013'' and inserting ''$500,000,000 for each of fiscal years 2011 through 2015''.

By Mr. COBURN:

S. 3627. A bill to ensure that United States global HIV/AIDS assistance prioritizes saving lives by focusing on access to treatment; to the Committee on Foreign Relations.

Mr. COBURN. Mr. President, I rise today to discuss the introduction of S. 3627, The HIV/AIDS Save Lives First Act of 2010. This important piece of legislation will make crucial improvements to our approach to bilateral global AIDS efforts. As a practicing physician and former co-chair of President Bush's Advisory Council on HIV/AIDS, I have introduced this bill to ensure that our global AIDS continue to prioritize life-saving medical treatment and reduce the transmission of the disease from mother to child.

The President's Emergency Plan for AIDS Relief—known as PEPFAR—has been wildly successful and has begun to reverse the course of the AIDS epidemic worldwide. Two and half million HIV/AIDS patients from 30 different countries currently have access to life-saving treatment because of PEPFAR. A 2009 report found that from 2004–2007 as many as 1.2 million lives had been saved because of the program.

In 2008, Congress and the President in an overwhelmingly bipartisan fashion passed the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 to continue the important life-saving work of the PEPFAR program.

It is of grave concern, then, that our fight against AIDS is now at risk of failure. A recent New York Times article, ''At Front Lines, AIDS War Is Falling Apart,'' details how hundreds of thousands of patients are being denied promised care in countries such as Uganda—a country once held up as PEPFAR's success story. Government officials have confirmed the rationing of treatment slots and have advised their partners to support ''an equitable system of triage for total ART [antiretroviral drug treatment] slots. . . .''

Former UNAIDS chief Dr. Piot remarked about past success and doubts about the future: ''Then, we were at a tipping point in the right direction,'' he explained. ''Now I'm afraid we're at a tipping point in the wrong direction.''

We must not lose sight of the fact that HIV/AIDS is a disease that we can diagnose, treat, and prevent. Not only does treatment save lives—it is the best prevention tool we have. Treatment lowers viral loads, which reduces the likelihood of individuals spreading the disease by as much as 92 percent. Treatment reduces transmission among partners, eliminates baby AIDS, and keeps those with HIV in the medical system where they can receive proper counseling and care. And the availability of treatment is integral to promoting HIV/AIDS testing and early diagnosis.

With the U.S. spending more than $6.7 billion on global AIDS efforts, we are not losing the war on AIDS due to lack of commitment or resources. Instead, we are losing because of misplaced priorities.

We can eliminate the tragedies of baby AIDS and AIDS orphans and prevent the spread of HIV by focusing on saving lives by expanding access to treatment.

It costs less than $300 a year to keep someone with HIV healthy and alive, about the same price to cover the airfare to send each of the 25,000 participants to the ongoing AIDS conference in Vienna. If saving lives is truly our priority, we must ask every time we spend a dollar intended for AIDS relief if that dollar would be better spent paying for lifesaving treatment that would keep a mother alive, a family together, or a baby born free of the virus.

If you ask Africans what PEPFAR is, they will tell you it is about AIDS treatment. It is the treatment component of PEPFAR that has made it the most successful U.S. humanitarian effort in history because it has literally saved the lives of millions, preserved families and communities, and rescued countless babies from being born with an AIDS death sentence.

The PEPFAR program's long-term success relies on the promise of life-saving medical treatment to those in need. Unfortunately, according to a recent report the recent moratorium on new enrollees in the program has already caused an estimated 3,000 deaths.

The HIV/AIDS Save Lives First Act strengthens the current policy that requires a majority of all funding under PEPFAR be spent on life-saving HIV/AIDS treatment. Specifically, this legislation would increase the treatment allocation to 75 percent of all PEPFAR funding. It also sets the modest goal that by 2013 we treat 5 million people with HIV/AIDS.

Many claim that we cannot treat our way out of this epidemic, but they ignore the simple truth that treatment is prevention. Analysts from the World Health Organization published research arguing we can drastically reduce the transmission of AIDS and virtually halt the widening epidemic in Africa within a decade through aggressive routine testing and early treatment.

Other prevention efforts remain an important component of the program. Without the reliable promise of access to treatment, however, the PEPFAR program will not enjoy long-term success. This legislation ensures that the PEPFAR program fulfills its promises, saves the most lives possible, and reduces transmission of the disease.

The HIV/AIDS Save Lives First Act also allocates a small percentage of funding for the critical diagnostic screening that must be ramped up dramatically if we are to locate and treat every infected person in the countries where PEPFAR operates. Finally, the bill acknowledges that every baby infected with HIV by her mother during birth or breastfeeding is a largely preventable tragedy. The bill would target baby AIDS for complete elimination with 100 percent coverage with the medical protocols that prevent almost all instances of mother-to-child HIV transmission.

The Save Lives First Act requires recipients of funding to spend no more than $500 in annual PEPFAR funding per patient they treat. As recently as 2008, documents provided by the administration show that the PEPFAR program spent $1,100 in annual treatment costs per patient. This is unacceptable—inefficiencies come at the cost of human lives by limiting the number of patients PEPFAR can treat.

The most commonly prescribed drug regimen costs just $64 per year and many organizations are providing care to patients for no more than $250 per year. For example, Doctors Without Borders has had remarkable success in achieving treatment efficiencies and now reports that its per-patient treatment costs in Malawi were only $237 per year.

While costs may vary from country to country—and patient to patient—it is both reasonable and important that every funding recipient under PEPFAR limit their aggregate per patient expenditures to $500 per patient. The costs of drug regimens continue to fall dramatically, and PEPFAR must take advantage by providing treatment to more individuals.

The HIV/AIDS Save Lives First Act would require that any funding recipient under PEPFAR be limited to a treatment allocation of $500 per patient treated. This act would also set the modest goal that PEPFAR would treat 5 million patients by 2013. If the program's per patient expenditures were down to $500 per patient, the program should actually treat 6 million patients by 2013, and if everyone were as cost-effective as Doctors Without Borders, we could be treating 10 million patients.

In the rare instance of a country in which per patient expenditures remain above $500 per patient, it is more than reasonable to assume that these more developed countries have the resources—along with other global partners—to ensure that the per patient treatment expenditures ensure access to the highest-quality treatment for each patient.

Everyone can agree that dollars provided to HIV/AIDS treatment should go directly to patient care—not bloated administrative budgets. A common way of protecting this important principle is to limit the administrative budget for PEPFAR funding recipients.

The HIV/AIDS Save Lives First Act limits administrative overhead to 10 percent of total expenditures for every

funding recipient under the program. The bill also limits the State Department's administrative budget for PEPFAR to 10 percent of total funding.

Again, treatment is prevention. But this strategy relies on identifying HIV positive individuals who are unaware of their status and linking them to treatment and counseling. The first step to any prevention strategy is an aggressive testing strategy. Unfortunately, only about 40 percent of people with HIV in developing countries are aware of their status.

The HIV/AIDS Save Lives First Act sets aside 5 percent of PEPFAR funding to dramatically ramp up rapid HIV diagnosis to identify people who do not yet know their HIV status in order to get people into treatment and early reduce their transmission rates through treatment and education.

This bill also sets a target of conducting 1 billion rapid tests by 2013 and sets aside 25 percent of testing money to help countries implement a policy of universal, opt-out rapid HIV testing.

Rapid testing and access to treatment are particularly important to end baby AIDS, babies being born infected with HIV or becoming infected during their first year through breastfeeding, once and for all.

An estimated 430,000 children were born in 2008 newly infected with HIV, mainly through mother to child transmission. About 90 percent of these infections occurred in Africa. Only 28 percent of pregnant women in Sub-Saharan Africa received an HIV test in 2008. Moreover, the World Health Organization reports that access to AIDS drugs is severely limited in developing countries, with fewer than 10 percent of pregnant women with HIV in those countries having access to medication for their own health.

Of course, dramatic gains are seen when universal testing of pregnant women and newborns is provided along with appropriate prophylaxis of infections that are that are identified through testing. In the United States, new cases of baby AIDS have been virtually eliminated. Studies have found that 99 percent of babies were born uninfected if an infected mother was diagnosed and proper treatment was administered.

Botswana, a country that used to have HIV infection rates as high as 50 percent of child-bearing-aged women, instituted these interventions. Ninety-two percent of pregnant women in the country are now being tested and the drop in HIV-positive mothers delivering infected babies dropped from 35 percent to 4 percent from 2004–2007, with 13,000 HIV-infected moms being identified annually.

Prevention of mother-to-child-transmission, PMTCT, is cheap per life saved: as of 2008, estimated costs of PMTCT drugs to prevent the spread of HIV for (1) mother/child pair was US$167—generics—and US$318—branded—and the price of drugs and treatment have only declined since.

The HIV/AIDS Save Lives First Act sets a target of eliminating baby AIDS in all PEPFAR countries by 2013, and sets out expectations for how to work towards that target by screening 100 percent of pregnant women and newborns in PEPFAR countries and providing prophylactic or ARV treatment for all HIV-positive moms or babies.

By emphasizing providing lifesaving treatment under the PEPFAR program, we can continue the enormous success we have had in saving lives and preventing the spread of this terrible disease. It is my sincere hope that my colleagues adopt these common sense policy changes that will significantly reduce human suffering, keep families together, and save millions of lives.

By Mr. HATCH:

S.J. Res. 35. A joint resolution proposing an amendment to the Constitution of the United States relative to a balanced budget; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to express my growing alarm about the excessive amount of government spending that is adding to our national debt at an exponential rate. We simply cannot continue to add these annual trillion dollar-plus deficits to the amount to be repaid by those in generations to come. Today, I am introducing a measure that would ensure that the futures of our children and grandchildren will not be crippled by the reckless spending of those who control Congress and the White House today. After long study of this disturbing trend, I have concluded that the best way to get a handle on this deficit spending is by amending the Constitution by requiring each Congress to put forth a balanced budget.

Amending the Constitution is no small task, nor is it a trifling matter. Though hundreds, if not thousands, of amendments to the Constitution have been proposed, this founding document has been amended only 27 times in our nation's history. Amending it now to deal with overspending may appear to be a monumental undertaking. However, Utahns and other Americans across the nation have spoken loud and clear—no more excessive government spending that will add to the debt to be borne by the next generation.

The liberals in Congress have had their turn over the past couple of years to try to revitalize our economy, and we still remain with trillion dollar-plus deficits coupled with a stagnant unemployment rate of nearly 10 percent.

The economy did not turn sour yesterday. It went south nearly two years ago, and the major accomplishments of the current Administration and its congressional allies is to enact an ineffective $1.1 trillion stimulus bill, an exacerbation of our entitlement crisis through the trillion dollar-plus health care bill, and an invasive and job-killing financial regulatory bill. All of these further harmed our nation's fiscal health.

The measure I am proposing is straightforward. It would simply require Congress to submit a budget where the total outlays could not exceed total revenues. It would require Treasury to use any surplus to pay down the Nation's debt. Any tax increase would have to be approved by two-thirds of the Members of Congress.

I realize that requiring a balanced budget will not necessarily end the outrageous government spending that has occurred over recent years, but it will at least provide Congress with a stronger incentive for fiscal responsibility. Balanced budgets are about more than sound fiscal policy; they are a moral responsibility that government often fails to meet. Individuals and families who live wildly beyond their means face dire consequences. Government should have to live by the same standards, especially since this money belongs to the people. The Constitution is the most important tool by which the people place limits on government and it appears that the Constitution is what it will take for the government to live within its means.

The outstanding public debt is now over $13 trillion. That equates roughly to $42,000 for each American. This year we are estimated to add another $1.3 trillion, which is about what we added last year. This is more than $41,000 added to the debt every second. Most of this spending is going towards increasing the size of the Federal Government, creating and expanding government programs, and providing more entitlements.

Economists agree that our Nation must get our outrageous deficit under control. The nonpartisan Congressional Budget Office recently released its Long-Term Budget Outlook. In this report, the CBO projects that the national debt will reach 62 percent of GDP by the end of this year, the highest since the end of World War II. To put this in perspective, at the end of 2008, our debt was 40 percent of GDP and the historic average has been around 36 percent.

The CBO also projects that deficits will average about $600 billion annually from 2011 through 2020 and the national debt to grow by 67 percent by 2020. Congress needs to act now.

If anyone is still questioning whether this enormous debt poses a threat to our economy, the warning signs are clear. The World Bank cautioned that we could have a double dip recession if the financial markets lose confidence in our ability to repay our debt. Federal Reserve Chairman Ben Bernanke testified before the House Budget Committee and said ''unless we as a nation make a strong commitment to fiscal responsibility, in the long run, we will have neither financial stability nor healthy economic growth.''

On Monday, President Obama gave a speech in the Rose Garden scolding Republicans for what he believed was an effort to prevent the unemployed from receiving benefits. What he has failed

to acknowledge is that both sides—Democrats and Republicans alike—agree on extending the additional unemployment insurance. What fiscal conservatives object to adding another $30 billion plus to the deficit. The President said ''It's time to stop holding workers laid off in this recession hostage to Washington politics.'' This same logic and rhetoric can be applied to our children and grandchildren who will be held hostage by, and have to pay for, the irresponsible government spending this Congress passes today.

It is time for solutions and not just rhetoric. I believe that we can achieve a balanced budget while promoting economic growth. We have the strongest economy in the world, for now. Let us not have our indebtedness create misery for us and generations to come.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 589—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE NOMINATION AND ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. SCHUMER (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106-16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

SENATE RESOLUTION 590—DESIGNATING SEPTEMBER 2010 AS ''GOSPEL MUSIC HERITAGE MONTH'' AND HONORING GOSPEL MUSIC FOR ITS VALUABLE CONTRIBUTIONS TO THE CULTURE OF THE UNITED STATES

Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as ''Gospel Music Heritage Month''; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

SENATE RESOLUTION 591—RECOGNIZING AND HONORING THE 20TH ANNIVERSARY OF THE ENACTMENT OF THE AMERICANS WITH DISABILITIES ACT OF 1990

Mr. HARKIN submitted the following resolution; which was placed on the calendar:

S. RES. 591

Whereas July 26, 2010, marks the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

Whereas the Americans with Disabilities Act has been one of the most significant and effective civil rights laws passed by Congress;

Whereas, prior to the passage of the Americans with Disabilities Act, people with disabilities faced significantly lower employment rates, lower graduation rates, and higher rates of poverty than people without disabilities, and were too often denied the opportunity to fully participate in society due to intolerance and unfair stereotypes;

Whereas the dedicated efforts of disability rights advocates, including Justin Dart, Jr., and many others, served to awaken Congress and the American people to the discrimination and prejudice faced by individuals with disabilities;

Whereas Congress worked in a bipartisan manner to craft legislation making such discrimination illegal;

Whereas Congress passed the Americans with Disabilities Act and President George Herbert Walker Bush signed the Act into law on July 26, 1990;

Whereas the purpose of the Americans with Disabilities Act is to fulfill the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities;

Whereas the Americans with Disabilities Act prohibits employers from discriminating against qualified individuals with disabilities, requires that State and local governmental entities accommodate qualified individuals with disabilities, requires places of public accommodation to take reasonable steps to make their goods and services accessible to individuals with disabilities, and requires that new trains and buses be accessible to individuals with disabilities;

Whereas the Americans with Disabilities Act has played an historic role in allowing over 50,000,000 Americans with disabilities to participate more fully in national life by removing barriers to employment, transportation, public services, telecommunications, and public accommodations;

Whereas the Americans with Disabilities Act has served as a model for disability rights in other countries;

Whereas all Americans, not just those with disabilities, benefit from the accommodations that have become commonplace since the passage of the Americans with Disabilities Act, including curb cuts at street intersections, ramps for access to buildings, and other accommodations that provide access to public transportation, stadiums, telecommunications, voting machines, and websites;

Whereas Congress acted with overwhelming bipartisan support in 2008 to restore protections for people with disabilities by passing the ADA Amendments Act of 2008, which overturned judicial decisions that had inappropriately narrowed the scope of the Americans with Disabilities Act;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, children and adults with disabilities continue to experience barriers that interfere with their full participation in mainstream American life;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, people with disabilities are twice as likely to live in poverty as their fellow citizens and continue to experience high rates of unemployment and underemployment;

Whereas, 20 years after the enactment of the Americans with Disabilities Act and 11 years after the Supreme Court's decision in Olmstead v. L.C., many people with disabilities still live in segregated institutional settings because of a lack of support services that would allow them to live in the community;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, new telecommunication, electronic, and information technologies continue to be developed while not being accessible to all Americans;

Whereas, 20 years after the enactment of the Americans with Disabilities Act, many public and private covered entities are still not accessible to people with disabilities; and

Whereas the United States has a responsibility to welcome back and create opportunities for the tens of thousands of working-age veterans of the Armed Forces who have been wounded in action or have received service-connected injuries while serving in Operation Iraqi Freedom and Operation Enduring Freedom: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990;

(2) salutes all people whose efforts contributed to the enactment of the Americans with Disabilities Act;

(3) encourages all Americans to celebrate the advance of freedom and the opening of opportunity made possible by the enactment of the Americans with Disabilities Act; and

(4) pledges to continue to work on a bipartisan basis to identify and address the remaining barriers that undermine the Nation's goals of equality of opportunity, independent living, economic self-sufficiency, and full participation for Americans with disabilities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID

(for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, supra; which was ordered to lie on the table.

SA 4497. Mr. REID proposed an amendment to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4498. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

SA 4499. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

SA 4500. Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) proposed an amendment to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra.

SA 4501. Mr. REID proposed an amendment to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, supra.

SA 4502. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4503. Mr. REID proposed an amendment to amendment SA 4502 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4504. Mr. REID proposed an amendment to the bill H.R. 5297, supra.

SA 4505. Mr. REID proposed an amendment to amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4506. Mr. REID proposed an amendment to amendment SA 4505 proposed by Mr. REID to the amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, supra.

SA 4507. Mr. DORGAN (for himself, Mr. CRAPO, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4494. Mr. WYDEN (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 3 and 4, insert the following:

SEC. 1137. NATIONAL SMALL BUSINESS TREE PLANTING PROGRAM.

Section 24(e) of the Small Business Act (15 U.S.C. 651(e)) is amended by striking ''1995 through 1997'' and inserting ''2011 through 2014''.

SA 4495. Mr. FEINGOLD (for himself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

On page ____, between lines ____ and ____, insert the following:

SEC. ____. ANNUAL REPORT ON AWARDING OF FEDERAL CONTRACTS TO CONTRACTORS LISTED ON THE EXCLUDED PARTIES LIST SYSTEM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for four years, the Administrator for Federal Procurement Policy, in consultation with the Administrator of General Services, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing during the previous year the extent to which suspended or debarred contractors on the Excluded Parties List System, including those suspended or debarred for failing to make full or timely payments to subcontractors—

(1) continued to receive Federal contracts; or

(2) were granted waivers from Federal agencies from suspension or debarment for purposes of entering into Federal contracts.

(b) CONTENT.—The report required under subsection (a) shall include, for each contract awarded to a suspended or debarred contractor—

(1) the name of the Federal agency awarding the contract;

(2) the name of the contractor;

(3) the contract value;

(4) the date of award;

(5) the period of performance;

(6) whether a waiver was utilized to award the contract;

(7) the date of suspension or debarment;

(8) the reason for suspension or debarment; and

(9) the period of suspension or debarment.

SA 4496. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4402 proposed by Mr. REID (for Mr. BAUCUS (for himself, Ms. LANDRIEU, and Mr. REID)) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

Section 3107 of the bill is amended—

(1) by striking ''Inspector General of the Department of the Treasury'' each place that term appears and inserting ''Special Inspector General for the Troubled Asset Relief Program'';

(2) by striking ''Inspector General'' each place that term appears (other than as provided in paragraph (1)) and inserting ''Special Inspector General''; and

(3) by adding at the end the following:

(f) CONFORMING AMENDMENTS TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008.—Section 121(c)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5231(c)(1)) is amended—

(1) by striking ''section 101, and'' and inserting ''section 101,''; and

(2) by inserting before ''including'' the following: ''and activities under subtitle A of title III of the Small Business Jobs Act of 2010,''.

SA 4497. Mr. REID proposed an amendment to amendment SA 4425 proposed by Mr. REID to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; as follows:

Beginning on page 7, line 14, strike through page 11, line 18.

SA 4498. Mr. REID (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''International Adoption Simplification Act''.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking ''section 101(b)(1)(F),'' and inserting ''subparagraph (F) or (G) of section 101(b)(1);''.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

''(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, *Provided*, That—

''(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of

Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any preadoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

''(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

''(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

''(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

''(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

SA 4499. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Jobs Act of 2010''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—SMALL BUSINESSES

Sec. 1001. Definitions.

Subtitle A—Small Business Access to Credit

Sec. 1101. Short title.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

Sec. 1111. Section 7(a) business loans.
Sec. 1112. Maximum loan amounts under 504 program.
Sec. 1113. Maximum loan limits under microloan program.
Sec. 1114. Loan guarantee enhancement extensions.
Sec. 1115. New Markets Venture Capital company investment limitations.
Sec. 1116. Alternative size standards.
Sec. 1117. Sale of 7(a) loans in secondary market.
Sec. 1118. Online lending platform.
Sec. 1119. SBA Secondary Market Guarantee Authority.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

Sec. 1122. Low-interest refinancing under the local development business loan program.

PART III—OTHER MATTERS

Sec. 1131. Small business intermediary lending pilot program.
Sec. 1132. Public policy goals.
Sec. 1133. Floor plan pilot program extension.
Sec. 1134. Guarantees for bonds and notes issued for community or economic development purposes.
Sec. 1135. Temporary express loan enhancement.
Sec. 1136. Prohibition on using TARP funds or tax increases.

Subtitle B—Small Business Trade and Exporting

Sec. 1201. Short title.
Sec. 1202. Definitions.
Sec. 1203. Office of International Trade.
Sec. 1204. Duties of the Office of International Trade.
Sec. 1205. Export assistance centers.
Sec. 1206. International trade finance programs.
Sec. 1207. State Trade and Export Promotion Grant Program.
Sec. 1208. Rural export promotion.
Sec. 1209. International trade cooperation by small business development centers.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

Sec. 1311. Small Business Act.
Sec. 1312. Leadership and oversight.
Sec. 1313. Consolidation of contract requirements.
Sec. 1314. Small business teams pilot program.

PART II—SUBCONTRACTING INTEGRITY

Sec. 1321. Subcontracting misrepresentations.
Sec. 1322. Small business subcontracting improvements.

PART III—ACQUISITION PROCESS

Sec. 1331. Reservation of prime contract awards for small businesses.
Sec. 1332. Micro-purchase guidelines.
Sec. 1333. Agency accountability.
Sec. 1334. Payment of subcontractors.
Sec. 1335. Repeal of Small Business Competitiveness Demonstration Program.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

Sec. 1341. Policy and presumptions.
Sec. 1342. Annual certification.
Sec. 1343. Training for contracting and enforcement personnel.
Sec. 1344. Updated size standards.
Sec. 1345. Study and report on the mentor-protege program.
Sec. 1346. Contracting goals reports.
Sec. 1347. Small business contracting parity.

Subtitle D—Small Business Management and Counseling Assistance

Sec. 1401. Matching requirements under small business programs.
Sec. 1402. Grants for SBDCs.

Subtitle E—Disaster Loan Improvement

Sec. 1501. Aquaculture business disaster assistance.

Subtitle F—Small Business Regulatory Relief

Sec. 1601. Requirements providing for more detailed analyses.
Sec. 1602. Office of advocacy.

Subtitle G—Appropriations Provisions

Sec. 1701. Salaries and expenses.
Sec. 1702. Business loans program account.
Sec. 1703. Community Development Financial Institutions Fund program account.
Sec. 1704. Small business loan guarantee enhancement extensions.

TITLE II—TAX PROVISIONS

Sec. 2001. Short title.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

Sec. 2011. Temporary exclusion of 100 percent of gain on certain small business stock.
Sec. 2012. General business credits of eligible small businesses for 2010 carried back 5 years.
Sec. 2013. General business credits of eligible small businesses in 2010 not subject to alternative minimum tax.
Sec. 2014. Temporary reduction in recognition period for built-in gains tax.

PART II—ENCOURAGING INVESTMENT

Sec. 2021. Increased expensing limitations for 2010 and 2011; certain real property treated as section 179 property.
Sec. 2022. Additional first-year depreciation for 50 percent of the basis of certain qualified property.
Sec. 2023. Special rule for long-term contract accounting.

PART III—PROMOTING ENTREPRENEURSHIP

Sec. 2031. Increase in amount allowed as deduction for start-up expenditures in 2010.
Sec. 2032. Authorization of appropriations for the United States Trade Representative to develop market access opportunities for United States small- and medium-sized businesses and to enforce trade agreements.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

Sec. 2041. Limitation on penalty for failure to disclose reportable transactions based on resulting tax benefits.
Sec. 2042. Deduction for health insurance costs in computing self-employment taxes in 2010.
Sec. 2043. Removal of cellular telephones and similar telecommunications equipment from listed property.

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

Sec. 2101. Information reporting for rental property expense payments.
Sec. 2102. Increase in information return penalties.
Sec. 2103. Report on tax shelter penalties and certain other enforcement actions.
Sec. 2104. Application of continuous levy to tax liabilities of certain Federal contractors.

PART II—PROMOTING RETIREMENT PREPARATION

Sec. 2111. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.

Sec. 2112. Rollovers from elective deferral plans to designated Roth accounts.
Sec. 2113. Special rules for annuities received from only a portion of a contract.
PART III—CLOSING UNINTENDED LOOPHOLES
Sec. 2121. Crude tall oil ineligible for cellulosic biofuel producer credit.
Sec. 2122. Source rules for income on guarantees.
PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES
Sec. 2131. Time for payment of corporate estimated taxes.
TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE
Sec. 3001. Short title.
Sec. 3002. Definitions.
Sec. 3003. Federal funds allocated to States.
Sec. 3004. Approving States for participation.
Sec. 3005. Approving State capital access programs.
Sec. 3006. Approving collateral support and other innovative credit access and guarantee initiatives for small businesses and manufacturers.
Sec. 3007. Reports.
Sec. 3008. Remedies for State program termination or failures.
Sec. 3009. Implementation and administration.
Sec. 3010. Regulations.
Sec. 3011. Oversight and audits.
TITLE IV—BUDGETARY PROVISIONS
Sec. 4001. Determination of budgetary effects.

TITLE I—SMALL BUSINESSES

SEC. 1001. DEFINITIONS.

In this title—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

Subtitle A—Small Business Access to Credit

SEC. 1101. SHORT TITLE.

This subtitle may be cited as the ''Small Business Job Creation and Access to Capital Act of 2010''.

PART I—NEXT STEPS FOR MAIN STREET CREDIT AVAILABILITY

SEC. 1111. SECTION 7(a) BUSINESS LOANS.

(a) AMENDMENT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''75 percent'' and inserting ''90 percent''; and

(B) in clause (ii), by striking ''85 percent'' and inserting ''90 percent''; and

(2) in paragraph (3)(A), by striking ''$1,500,000 (or if the gross loan amount would exceed $2,000,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000''.

(b) PROSPECTIVE REPEAL.—Effective January 1, 2011, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking ''90 percent'' and inserting ''75 percent''; and

(B) in clause (ii), by striking ''90 percent'' and inserting ''85 percent''; and

(2) in paragraph (3)(A), by striking ''$4,500,000'' and inserting ''$3,750,000''.

SEC. 1112. MAXIMUM LOAN AMOUNTS UNDER 504 PROGRAM.

Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (i), by striking ''$1,500,000'' and inserting ''$5,000,000'';

(2) in clause (ii), by striking ''$2,000,000'' and inserting ''$5,000,000'';

(3) in clause (iii), by striking ''$4,000,000'' and inserting ''$5,500,000'';

(4) in clause (iv), by striking ''$4,000,000'' and inserting ''$5,500,000''; and

(5) in clause (v), by striking ''$4,000,000'' and inserting ''$5,500,000''.

SEC. 1113. MAXIMUM LOAN LIMITS UNDER MICROLOAN PROGRAM.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (1)(B)(iii), by striking ''$35,000'' and inserting ''$50,000'';

(2) in paragraph (3)—

(A) in subparagraph (C), by striking ''$3,500,000'' and inserting ''$5,000,000''; and

(B) in subparagraph (E), by striking ''$35,000'' each place that term appears and inserting ''$50,000''; and

(3) in paragraph (11)(B), by striking ''$35,000'' and inserting ''$50,000''.

SEC. 1114. LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) FEES.—Section 501 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place that term appears and inserting ''December 31, 2010''.

(b) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

SEC. 1115. NEW MARKETS VENTURE CAPITAL COMPANY INVESTMENT LIMITATIONS.

Section 355 of the Small Business Investment Act of 1958 (15 U.S.C. 689d) is amended by adding at the end the following:

''(e) INVESTMENT LIMITATIONS.—

''(1) DEFINITION.—In this subsection, the term 'covered New Markets Venture Capital company' means a New Markets Venture Capital company—

''(A) granted final approval by the Administrator under section 354(e) on or after March 1, 2002; and

''(B) that has obtained a financing from the Administrator.

''(2) LIMITATION.—Except to the extent approved by the Administrator, a covered New Markets Venture Capital company may not acquire or issue commitments for securities under this title for any single enterprise in an aggregate amount equal to more than 10 percent of the sum of—

''(A) the regulatory capital of the covered New Markets Venture Capital company; and

''(B) the total amount of leverage projected in the participation agreement of the covered New Markets Venture Capital.''.

SEC. 1116. ALTERNATIVE SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) ALTERNATIVE SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an alternative size standard for applicants for business loans under section 7(a) and applicants for development company loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), that uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the alternative size standard established under subparagraph (A) is in effect, an applicant for a business loan under section 7(a) or an applicant for a development company loan under title V of the Small Business Investment Act of 1958 may be eligible for such a loan if—

''(i) the maximum tangible net worth of the applicant is not more than $15,000,000; and

''(ii) the average net income after Federal income taxes (excluding any carry-over losses) of the applicant for the 2 full fiscal years before the date of the application is not more than $5,000,000.''.

SEC. 1117. SALE OF 7(a) LOANS IN SECONDARY MARKET.

Section 5(g) of the Small Business Act (15 U.S.C. 634(g)) is amended by adding at the end the following:

''(6) If the amount of the guaranteed portion of any loan under section 7(a) is more than $500,000, the Administrator shall, upon request of a pool assembler, divide the loan guarantee into increments of $500,000 and 1 increment of any remaining amount less than $500,000, in order to permit the maximum amount of any loan in a pool to be not more than $500,000. Only 1 increment of any loan guarantee divided under this paragraph may be included in the same pool. Increments of loan guarantees to different borrowers that are divided under this paragraph may be included in the same pool.''.

SEC. 1118. ONLINE LENDING PLATFORM.

It is the sense of Congress that the Administrator of the Small Business Administration should establish a website that—

(1) lists each lender that makes loans guaranteed by the Small Business Administration and provides information about the loan rates of each such lender; and

(2) allows prospective borrowers to compare rates on loans guaranteed by the Small Business Administration.

SEC. 1119. SBA SECONDARY MARKET GUARANTEE AUTHORITY.

Section 503(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 155) is amended by striking ''on the date 2 years after the date of enactment of this section'' and inserting ''2 years after the date of the first sale of a pool of first lien position 504 loans guaranteed under this section to a third-party investor''.

PART II—SMALL BUSINESS ACCESS TO CAPITAL

SEC. 1122. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

(a) REFINANCING.—Section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by adding at the end the following:

''(C) REFINANCING NOT INVOLVING EXPANSIONS.—

''(i) DEFINITIONS.—In this subparagraph—

''(I) the term 'borrower' means a small business concern that submits an application to a development company for financing under this subparagraph;

''(II) the term 'eligible fixed asset' means tangible property relating to which the Administrator may provide financing under this section; and

''(III) the term 'qualified debt' means indebtedness—

''(aa) that—

''(AA) was incurred not less than 2 years before the date of the application for assistance under this subparagraph;

''(BB) is a commercial loan;

''(CC) is not subject to a guarantee by a Federal agency;

''(DD) the proceeds of which were used to acquire an eligible fixed asset;

''(EE) was incurred for the benefit of the small business concern; and

''(FF) is collateralized by eligible fixed assets; and

''(bb) for which the borrower has been current on all payments for not less than 1 year before the date of the application.

''(ii) AUTHORITY.—A project that does not involve the expansion of a small business concern may include the refinancing of qualified debt if—

''(I) the amount of the financing is not more than 90 percent of the value of the collateral for the financing, except that, if the appraised value of the eligible fixed assets serving as collateral for the financing is less than the amount equal to 125 percent of the amount of the financing, the borrower may provide additional cash or other collateral to eliminate any deficiency;

''(II) the borrower has been in operation for all of the 2-year period ending on the date of the loan; and

''(III) for a financing for which the Administrator determines there will be an additional cost attributable to the refinancing of the qualified debt, the borrower agrees to pay a fee in an amount equal to the anticipated additional cost.

''(iii) FINANCING FOR BUSINESS EXPENSES.—

''(I) FINANCING FOR BUSINESS EXPENSES.—The Administrator may provide financing to a borrower that receives financing that includes a refinancing of qualified debt under clause (ii), in addition to the refinancing under clause (ii), to be used solely for the payment of business expenses.

''(II) APPLICATION FOR FINANCING.—An application for financing under subclause (I) shall include—

''(aa) a specific description of the expenses for which the additional financing is requested; and

''(bb) an itemization of the amount of each expense.

''(III) CONDITION ON ADDITIONAL FINANCING.—A borrower may not use any part of the financing under this clause for non-business purposes.

''(iv) LOANS BASED ON JOBS.—

''(I) JOB CREATION AND RETENTION GOALS.—

''(aa) IN GENERAL.—The Administrator may provide financing under this subparagraph for a borrower that meets the job creation goals under subsection (d) or (e) of section 501.

''(bb) ALTERNATE JOB RETENTION GOAL.—The Administrator may provide financing under this subparagraph to a borrower that does not meet the goals described in item (aa) in an amount that is not more than the product obtained by multiplying the number of employees of the borrower by $65,000.

''(II) NUMBER OF EMPLOYEES.—For purposes of subclause (I), the number of employees of a borrower is equal to the sum of—

''(aa) the number of full-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; and

''(bb) the product obtained by multiplying—

''(AA) the number of part-time employees of the borrower on the date on which the borrower applies for a loan under this subparagraph; by

''(BB) the quotient obtained by dividing the average number of hours each part time employee of the borrower works each week by 40.

''(v) NONDELEGATION.—Notwithstanding section 508(e), the Administrator may not permit a premier certified lender to approve or disapprove an application for assistance under this subparagraph.

''(vi) TOTAL AMOUNT OF LOANS.—The Administrator may provide not more than a total of $7,500,000,000 of financing under this subparagraph for each fiscal year.''.

(b) PROSPECTIVE REPEAL.—Effective 2 years after the date of enactment of this Act, section 502(7) of the Small Business Investment Act of 1958 (15 U.S.C. 696(7)) is amended by striking subparagraph (C).

(c) TECHNICAL CORRECTION.—Section 502(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)(i)) is amended by striking ''subparagraph (B) or (C)'' and inserting ''clause (ii), (iii), (iv), or (v)''.

PART III—OTHER MATTERS

SEC. 1131. SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by striking subsection (l) and inserting the following:

''(l) SMALL BUSINESS INTERMEDIARY LENDING PILOT PROGRAM.—

''(1) DEFINITIONS.—In this subsection—

''(A) the term 'eligible intermediary'—

''(i) means a private, nonprofit entity that—

''(I) seeks or has been awarded a loan from the Administrator to make loans to small business concerns under this subsection; and

''(II) has not less than 1 year of experience making loans to startup, newly established, or growing small business concerns; and

''(ii) includes—

''(I) a private, nonprofit community development corporation;

''(II) a consortium of private, nonprofit organizations or nonprofit community development corporations; and

''(III) an agency of or nonprofit entity established by a Native American Tribal Government; and

''(B) the term 'Program' means the small business intermediary lending pilot program established under paragraph (2).

''(2) ESTABLISHMENT.—There is established a 3-year small business intermediary lending pilot program, under which the Administrator may make direct loans to eligible intermediaries, for the purpose of making loans to startup, newly established, and growing small business concerns.

''(3) PURPOSES.—The purposes of the Program are—

''(A) to assist small business concerns in areas suffering from a lack of credit due to poor economic conditions or changes in the financial market; and

''(B) to establish a loan program under which the Administrator may provide loans to eligible intermediaries to enable the eligible intermediaries to provide loans to startup, newly established, and growing small business concerns for working capital, real estate, or the acquisition of materials, supplies, or equipment.

''(4) LOANS TO ELIGIBLE INTERMEDIARIES.—

''(A) APPLICATION.—Each eligible intermediary desiring a loan under this subsection shall submit an application to the Administrator that describes—

''(i) the type of small business concerns to be assisted;

''(ii) the size and range of loans to be made;

''(iii) the interest rate and terms of loans to be made;

''(iv) the geographic area to be served and the economic, poverty, and unemployment characteristics of the area;

''(v) the status of small business concerns in the area to be served and an analysis of the availability of credit; and

''(vi) the qualifications of the applicant to carry out this subsection.

''(B) LOAN LIMITS.—No loan may be made to an eligible intermediary under this subsection if the total amount outstanding and committed to the eligible intermediary by the Administrator would, as a result of such loan, exceed $1,000,000 during the participation of the eligible intermediary in the Program.

''(C) LOAN DURATION.—Loans made by the Administrator under this subsection shall be for a term of 20 years.

''(D) APPLICABLE INTEREST RATES.—Loans made by the Administrator to an eligible intermediary under the Program shall bear an annual interest rate equal to 1.00 percent.

''(E) FEES; COLLATERAL.—The Administrator may not charge any fees or require collateral with respect to any loan made to an eligible intermediary under this subsection.

''(F) DELAYED PAYMENTS.—The Administrator shall not require the repayment of principal or interest on a loan made to an eligible intermediary under the Program during the 2-year period beginning on the date of the initial disbursement of funds under that loan.

''(G) MAXIMUM PARTICIPANTS AND AMOUNTS.—During each of fiscal years 2011, 2012, and 2013, the Administrator may make loans under the Program—

''(i) to not more than 20 eligible intermediaries; and

''(ii) in a total amount of not more than $20,000,000.

''(5) LOANS TO SMALL BUSINESS CONCERNS.—

''(A) IN GENERAL.—The Administrator, through an eligible intermediary, shall make loans to startup, newly established, and growing small business concerns for working capital, real estate, and the acquisition of materials, supplies, furniture, fixtures, and equipment.

''(B) MAXIMUM LOAN.—An eligible intermediary may not make a loan under this subsection of more than $200,000 to any 1 small business concern.

''(C) APPLICABLE INTEREST RATES.—A loan made by an eligible intermediary to a small business concern under this subsection, may have a fixed or a variable interest rate, and shall bear an interest rate specified by the eligible intermediary in the application of the eligible intermediary for a loan under this subsection.

''(D) REVIEW RESTRICTIONS.—The Administrator may not review individual loans made by an eligible intermediary to a small business concern before approval of the loan by the eligible intermediary.

''(6) TERMINATION.—The authority of the Administrator to make loans under the Program shall terminate 3 years after the date of enactment of the Small Business Job Creation and Access to Capital Act of 2010.''.

(b) RULEMAKING AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out section 7(l) of the Small Business Act, as amended by subsection (a).

(c) AVAILABILITY OF FUNDS.—Any amounts provided to the Administrator for the purposes of carrying out section 7(l) of the Small Business Act, as amended by subsection (a), shall remain available until expended.

SEC. 1132. PUBLIC POLICY GOALS.

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (J), by striking ''or'' at the end;

(2) in subparagraph (K), by striking the period at the end and inserting '', or''; and

(3) by adding at the end the following:

''(L) reduction of rates of unemployment in labor surplus areas, as such areas are determined by the Secretary of Labor.''.

SEC. 1133. FLOOR PLAN PILOT PROGRAM EXTENSION.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by redesignating paragraph (32), relating to increased veteran participation, as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110–186; 122 Stat. 631), as paragraph (33); and

(2) by adding at the end the following:

''(34) FLOOR PLAN FINANCING PROGRAM.—

''(A) DEFINITION.—In this paragraph, the term 'eligible retail good'—

''(i) means a good for which a title may be obtained under State law; and

''(ii) includes an automobile, recreational vehicle, boat, and manufactured home.

''(B) PROGRAM.—The Administrator may guarantee the timely payment of an open-end extension of credit to a small business concern, the proceeds of which may be used for the purchase of eligible retail goods for resale.

''(C) AMOUNT.—An open-end extension of credit guaranteed under this paragraph shall be in an amount not less than $500,000 and not more than $5,000,000.

''(D) TERM.—An open-end extension of credit guaranteed under this paragraph shall have a term of not more than 5 years.

''(E) GUARANTEE PERCENTAGE.—The Administrator may guarantee—

''(i) not less than 60 percent of an open-end extension of credit under this paragraph; and

''(ii) not more than 75 percent of an open-end extension of credit under this paragraph.

''(F) ADVANCE RATE.—The lender for an open-end extension of credit guaranteed under this paragraph may allow the borrower to draw funds on the line of credit in an amount equal to not more than 100 percent of the value of the eligible retail goods to be purchased.''.

(b) SUNSET.—Effective September 30, 2013, section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) by striking paragraph (34); and

(2) by redesignating paragraph (35), as added by section 1206 of this Act, as paragraph (34).

SEC. 1134. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

The Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by inserting after section 114 (12 U.S.C. 4713) the following:

''SEC. 114A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSES.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

''(1) ELIGIBLE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term 'eligible community development financial institution' means a community development financial institution (as described in section 1805.201 of title 12, Code of Federal Regulations, or any successor thereto) certified by the Secretary that has applied to a qualified issuer for, or been granted by a qualified issuer, a loan under the Program.

''(2) ELIGIBLE COMMUNITY OR ECONOMIC DEVELOPMENT PURPOSE.—The term 'eligible community or economic development purpose'—

''(A) means any purpose described in section 108(b); and

''(B) includes the provision of community or economic development in low-income or underserved rural areas.

''(3) GUARANTEE.—The term 'guarantee' means a written agreement between the Secretary and a qualified issuer (or trustee), pursuant to which the Secretary ensures repayment of the verifiable losses of principal, interest, and call premium, if any, on notes or bonds issued by a qualified issuer to finance or refinance loans to eligible community development financial institutions.

''(4) LOAN.—The term 'loan' means any credit instrument that is extended under the Program for any eligible community or economic development purpose.

''(5) MASTER SERVICER.—

''(A) IN GENERAL.—The term 'master servicer' means any entity approved by the Secretary in accordance with subparagraph (B) to oversee the activities of servicers, as provided in subsection (f)(4).

''(B) APPROVAL CRITERIA FOR MASTER SERVICERS.—The Secretary shall approve or deny any application to become a master servicer under the Program not later than 90 days after the date on which all required information is submitted to the Secretary, based on the capacity and experience of the applicant in—

''(i) loan administration, servicing, and loan monitoring;

''(ii) managing regional or national loan intake, processing, or servicing operational systems and infrastructure;

''(iii) managing regional or national originator communication systems and infrastructure;

''(iv) developing and implementing training and other risk management strategies on a regional or national basis; and

''(v) compliance monitoring, investor relations, and reporting.

''(6) PROGRAM.—The term 'Program' means the guarantee Program for bonds and notes issued for eligible community or economic development purposes established under this section.

''(7) PROGRAM ADMINISTRATOR.—The term 'Program administrator' means an entity designated by the issuer to perform administrative duties, as provided in subsection (f)(2).

''(8) QUALIFIED ISSUER.—

''(A) IN GENERAL.—The term 'qualified issuer' means a community development financial institution (or any entity designated to issue notes or bonds on behalf of such community development financial institution) that meets the qualification requirements of this paragraph.

''(B) APPROVAL CRITERIA FOR QUALIFIED ISSUERS.—

''(i) IN GENERAL.—The Secretary shall approve a qualified issuer for a guarantee under the Program in accordance with the requirements of this paragraph, and such additional requirements as the Secretary may establish, by regulation.

''(ii) TERMS AND QUALIFICATIONS.—A qualified issuer shall—

''(I) have appropriate expertise, capacity, and experience, or otherwise be qualified to make loans for eligible community or economic development purposes;

''(II) provide to the Secretary—

''(aa) an acceptable statement of the proposed sources and uses of the funds; and

''(bb) a capital distribution plan that meets the requirements of subsection (c)(1); and

''(III) certify to the Secretary that the bonds or notes to be guaranteed are to be used for eligible community or economic development purposes.

''(C) DEPARTMENT OPINION; TIMING.—

''(i) DEPARTMENT OPINION.—Not later than 30 days after the date of a request by a qualified issuer for approval of a guarantee under the Program, the Secretary shall provide an opinion regarding compliance by the issuer with the requirements of the Program under this section.

''(ii) TIMING.—The Secretary shall approve or deny a guarantee under this section after consideration of the opinion provided to the Secretary under clause (i), and in no case later than 90 days after receipt of all required information by the Secretary with respect to a request for such guarantee.

''(9) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(10) SERVICER.—The term 'servicer' means an entity designated by the issuer to perform various servicing duties, as provided in subsection (f)(3).

''(b) GUARANTEES AUTHORIZED.—The Secretary shall guarantee payments on bonds or notes issued by any qualified issuer, if the proceeds of the bonds or notes are used in accordance with this section to make loans to eligible community development financial institutions—

''(1) for eligible community or economic development purposes; or

''(2) to refinance loans or notes issued for such purposes.

''(c) GENERAL PROGRAM REQUIREMENTS.—

''(1) IN GENERAL.—A capital distribution plan meets the requirements of this subsection, if not less than 90 percent of the principal amount of guaranteed bonds or notes (other than costs of issuance fees) are used to make loans for any eligible community or economic development purpose, measured annually, beginning at the end of the 1-year period beginning on the issuance date of such guaranteed bonds or notes.

''(2) RELENDING ACCOUNT.—Not more than 10 percent of the principal amount of guaranteed bonds or notes, multiplied by an amount equal to the outstanding principal balance of issued notes or bonds, minus the risk-share pool amount under subsection (d), may be held in a relending account and may be made available for new eligible community or economic development purposes.

''(3) LIMITATIONS ON UNPAID PRINCIPAL BALANCES.—The proceeds of guaranteed bonds or notes under the Program may not be used to pay fees (other than costs of issuance fees), and shall be held in—

''(A) community or economic development loans;

''(B) a relending account, to the extent authorized under paragraph (2); or

''(C) a risk-share pool established under subsection (d).

''(4) REPAYMENT.—If a qualified issuer fails to meet the requirements of paragraph (1) by the end of the 90-day period beginning at the end of the annual measurement period, repayment shall be made on that portion of bonds or notes necessary to bring the bonds or notes that remain outstanding after such repayment into compliance with the 90 percent requirement of paragraph (1).

''(5) PROHIBITED USES.—The Secretary shall, by regulation—

''(A) prohibit, as appropriate, certain uses of amounts from the guarantee of a bond or note under the Program, including the use of such funds for political activities, lobbying, outreach, counseling services, or travel expenses; and

''(B) provide that the guarantee of a bond or note under the Program may not be used for salaries or other administrative costs of—

''(i) the qualified issuer; or

''(ii) any recipient of amounts from the guarantee of a bond or note.

''(d) RISK-SHARE POOL.—Each qualified issuer shall, during the term of a guarantee provided under the Program, establish a risk-share pool, capitalized by contributions from eligible community development financial institution participants an amount equal to 3 percent of the guaranteed amount outstanding on the subject notes and bonds.

''(e) GUARANTEES.—

''(1) IN GENERAL.—A guarantee issued under the Program shall—

''(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

''(B) be fully assignable and transferable to the capital market, on terms and conditions that are consistent with comparable Government-guaranteed bonds, and satisfactory to the Secretary;

''(C) represent the full faith and credit of the United States; and

''(D) not exceed 30 years.

''(2) LIMITATIONS.—

''(A) ANNUAL NUMBER OF GUARANTEES.—The Secretary shall issue not more than 10 guarantees in any calendar year under the Program.

''(B) GUARANTEE AMOUNT.—The Secretary may not guarantee any amount under the Program equal to less than $100,000,000, but the total of all such guarantees in any fiscal year may not exceed $1,000,000,000.

''(f) SERVICING OF TRANSACTIONS.—

''(1) IN GENERAL.—To maximize efficiencies and minimize cost and interest rates, loans made under this section may be serviced by qualified Program administrators, bond servicers, and a master servicer.

''(2) DUTIES OF PROGRAM ADMINISTRATOR.—The duties of a Program administrator shall include—

''(A) approving and qualifying eligible community development financial institution applications for participation in the Program;

''(B) compliance monitoring;

''(C) bond packaging in connection with the Program; and

''(D) all other duties and related services that are customarily expected of a Program administrator.

''(3) DUTIES OF SERVICER.—The duties of a servicer shall include—

''(A) billing and collecting loan payments;

''(B) initiating collection activities on past-due loans;

''(C) transferring loan payments to the master servicing accounts;

''(D) loan administration and servicing;

''(E) systematic and timely reporting of loan performance through remittance and servicing reports;

''(F) proper measurement of annual outstanding loan requirements; and

''(G) all other duties and related services that are customarily expected of servicers.

''(4) DUTIES OF MASTER SERVICER.—The duties of a master servicer shall include—

''(A) tracking the movement of funds between the accounts of the master servicer and any other servicer;

''(B) ensuring orderly receipt of the monthly remittance and servicing reports of the servicer;

''(C) monitoring the collection comments and foreclosure actions;

''(D) aggregating the reporting and distribution of funds to trustees and investors;

''(E) removing and replacing a servicer, as necessary;

''(F) loan administration and servicing;

''(G) systematic and timely reporting of loan performance compiled from all bond servicers' reports;

''(H) proper distribution of funds to investors; and

''(I) all other duties and related services that are customarily expected of a master servicer.

''(g) FEES.—

''(1) IN GENERAL.—A qualified issuer that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary, in an amount equal to 10 basis points of the amount of the unpaid principal of the bond or note guaranteed.

''(2) PAYMENT.—A qualified issuer shall pay the fee required under this subsection on an annual basis.

''(3) USE OF FEES.—Fees collected by the Secretary under this subsection shall be used to reimburse the Department of the Treasury for any administrative costs incurred by the Department in implementing the Program established under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary, such sums as are necessary to carry out this section.

''(2) USE OF FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use the fees collected under subsection (g) for the cost of providing guarantees of bonds and notes under this section.

''(i) INVESTMENT IN GUARANTEED BONDS INELIGIBLE FOR COMMUNITY REINVESTMENT ACT PURPOSES.—Notwithstanding any other provision of law, any investment by a financial institution in bonds or notes guaranteed under the Program shall not be taken into account in assessing the record of such institution for purposes of the Community Reinvestment Act of 1977 (12 U.S.C. 2901).

''(j) ADMINISTRATION.—

''(1) REGULATIONS.—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

''(2) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall implement this section.

''(k) TERMINATION.—This section is repealed, and the authority provided under this section shall terminate, on September 30, 2014.''.

SEC. 1135. TEMPORARY EXPRESS LOAN ENHANCEMENT.

(a) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$350,000'' and inserting ''$1,000,000''.

(b) PROSPECTIVE REPEAL.—Effective 1 year after the date of enactment of this Act, section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking ''$1,000,000'' and inserting ''$350,000''.

SEC. 1136. PROHIBITION ON USING TARP FUNDS OR TAX INCREASES.

(a) IN GENERAL.—Except as provided in subsection (b), nothing in section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections, shall be construed to limit the ability of Congress to appropriate funds.

(b) TARP FUNDS AND TAX INCREASES.—

(1) IN GENERAL.—Any covered amounts may not be used to carry out section 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1122, or 1131, or an amendment made by such sections.

(2) DEFINITION.—In this subsection, the term ''covered amounts'' means—

(A) the amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008 S.C. 5201 et seq.) to purchase (under section 101) or guarantee (under section 102) assets under that Act; and

(B) any revenue increase attributable to any amendment to the Internal Revenue Code of 1986 made during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

Subtitle B—Small Business Trade and Exporting

SEC. 1201. SHORT TITLE.

This subtitle may be cited as the ''Small Business Export Enhancement and International Trade Act of 2010''.

SEC. 1202. DEFINITIONS.

(a) DEFINITIONS.—In this subtitle—

(1) the term ''Associate Administrator'' means the Associate Administrator for International Trade appointed under section 22(a)(2) of the Small Business Act, as amended by this subtitle;

(2) the term ''Export Assistance Center'' means a one-stop shop referred to in section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8)); and

(3) the term ''rural small business concern'' means a small business concern located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

''(t) SMALL BUSINESS DEVELOPMENT CENTER.—In this Act, the term 'small business development center' means a small business development center described in section 21.

''(u) REGION OF THE ADMINISTRATION.—In this Act, the term 'region of the Administration' means the geographic area served by a regional office of the Administration established under section 4(a).''.

(2) CONFORMING AMENDMENT.—Section 4(b)(3)(B)(x) of the Small Business Act (15 U.S.C. 633(b)(3)(B)(x)) is amended by striking ''Administration district and region'' and inserting ''district and region of the Administration''.

SEC. 1203. OFFICE OF INTERNATIONAL TRADE.

(a) ESTABLISHMENT.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking ''SEC. 22. (a) There'' and inserting the following:

''SEC. 22. OFFICE OF INTERNATIONAL TRADE.

''(a) ESTABLISHMENT.—

''(1) OFFICE.—There''; and

(2) in subsection (a)—

(A) in paragraph (1), as so designated, by striking the period and inserting ''for the primary purposes of increasing—

''(A) the number of small business concerns that export; and

''(B) the volume of exports by small business concerns.''; and

(B) by adding at the end the following:

''(2) ASSOCIATE ADMINISTRATOR.—The head of the Office shall be the Associate Administrator for International Trade, who shall be responsible to the Administrator.''.

(b) AUTHORITY FOR ADDITIONAL ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking ''five Associate Administrators'' and inserting ''Associate Administrators''; and

(2) by adding at the end the following: ''One such Associate Administrator shall be the Associate Administrator for International Trade, who shall be the head of the Office of International Trade established under section 22.''.

(c) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended by adding at the end the following:

''(h) DISCHARGE OF INTERNATIONAL TRADE RESPONSIBILITIES OF ADMINISTRATION.—The Administrator shall ensure that—

''(1) the responsibilities of the Administration regarding international trade are carried out by the Associate Administrator;

''(2) the Associate Administrator has sufficient resources to carry out such responsibilities; and

''(3) the Associate Administrator has direct supervision and control over—

''(A) the staff of the Office; and

''(B) any employee of the Administration whose principal duty station is an Export Assistance Center, or any successor entity.''.

(d) ROLE OF ASSOCIATE ADMINISTRATOR IN CARRYING OUT INTERNATIONAL TRADE POLICY.—Section 2(b)(1) of the Small Business Act (15 U.S.C. 631(b)(1)) is amended in the matter preceding subparagraph (A)—

(1) by inserting ''the Administrator of'' before ''the Small Business Administration''; and

(2) by inserting ''through the Associate Administrator for International Trade, and'' before ''in cooperation with''.

(e) IMPLEMENTATION DATE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall appoint an Associate Administrator for International Trade

under section 22(a) of the Small Business Act (15 U.S.C. 649(a)), as added by this section.

SEC. 1204. DUTIES OF THE OFFICE OF INTERNATIONAL TRADE.

(a) AMENDMENTS TO SECTION 22.—Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by striking subsection (b) and inserting the following:

''(b) TRADE DISTRIBUTION NETWORK.—The Associate Administrator, working in close cooperation with the Secretary of Commerce, the United States Trade Representative, the Secretary of Agriculture, the Secretary of State, the President of the Export-Import Bank of the United States, the President of the Overseas Private Investment Corporation, Director of the United States Trade and Development Agency, and other relevant Federal agencies, small business development centers engaged in export promotion efforts, Export Assistance Centers, regional and district offices of the Administration, the small business community, and relevant State and local export promotion programs, shall—

''(1) maintain a distribution network, using regional and district offices of the Administration, the small business development center network, networks of women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), and Export Assistance Centers, for programs relating to—

''(A) trade promotion;

''(B) trade finance;

''(C) trade adjustment assistance;

''(D) trade remedy assistance; and

''(E) trade data collection;

''(2) aggressively market the programs described in paragraph (1) and disseminate information, including computerized marketing data, to small business concerns on exporting trends, market-specific growth, industry trends, and international prospects for exports;

''(3) promote export assistance programs through the district and regional offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector; and

''(4) give preference in hiring or approving the transfer of any employee into the Office or to a position described in subsection (c)(9) to otherwise qualified applicants who are fluent in a language in addition to English, to—

''(A) accompany small business concerns on foreign trade missions; and

''(B) translate documents, interpret conversations, and facilitate multilingual transactions, including by providing referral lists for translation services, if required.'';

(2) in subsection (c)—

(A) by striking ''(c) The Office'' and inserting the following:

''(c) PROMOTION OF SALES OPPORTUNITIES.—The Associate Administrator'';

(B) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(C) by inserting before paragraph (2), as so redesignated, the following:

''(1) establish annual goals for the Office relating to—

''(A) enhancing the exporting capability of small business concerns and small manufacturers;

''(B) facilitating technology transfers;

''(C) enhancing programs and services to assist small business concerns and small manufacturers to compete effectively and efficiently against foreign entities;

''(D) increasing the ability of small business concerns to access capital; and

''(E) disseminating information concerning Federal, State, and private programs and initiatives;'';

(D) in paragraph (2), as so redesignated, by striking ''mechanism for'' and all that follows through ''(D) assisting'' and inserting the following: ''mechanism for—

''(A) identifying subsectors of the small business community with strong export potential;

''(B) identifying areas of demand in foreign markets;

''(C) prescreening foreign buyers for commercial and credit purposes; and

''(D) assisting'';

(E) in paragraph (3), as so redesignated, by striking ''assist small businesses in the formation and utilization of'' and inserting ''assist small business concerns in forming and using'';

(F) in paragraph (4), as so redesignated—

(i) by striking ''local'' and inserting ''district'';

(ii) by striking ''existing'';

(iii) by striking ''Small Business Development Center network'' and inserting ''small business development center network''; and

(iv) by striking ''Small Business Development Center Program'' and inserting ''small business development center program'';

(G) in paragraph (5), as so redesignated—

(i) in subparagraph (A), by striking ''Gross State Produce'' and inserting ''Gross State Product'';

(ii) in subparagraph (B), by striking ''SIC'' each place it appears and inserting ''North American Industry Classification System''; and

(iii) in subparagraph (C), by striking ''small businesses'' and inserting ''small business concerns'';

(H) in paragraph (6), as so redesignated, by striking the period at the end and inserting a semicolon;

(I) in paragraph (7), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''concerns'' after ''small business''; and

(II) by striking ''current'' and inserting ''up to date'';

(ii) in subparagraph (A), by striking ''Administration's regional offices'' and inserting ''regional and district offices of the Administration'';

(iii) in subparagraph (B) by striking ''current'';

(iv) in subparagraph (C), by striking ''current''; and

(v) by striking ''small businesses'' each place that term appears and inserting ''small business concerns'';

(J) in paragraph (8), as so redesignated, by striking and at the end;

(K) in paragraph (9), as so redesignated—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''full-time export development specialists to each Administration regional office and assigning''; and

(II) by striking ''person in each district office. Such specialists'' and inserting ''individual in each district office and providing each Administration regional office with a full-time export development specialist, who'';

(ii) in subparagraph (B)—

(I) by striking ''current''; and

(II) by striking ''with'' and inserting ''in'';

(iii) in subparagraph (D)—

(I) by striking ''Administration personnel involved in granting'' and inserting ''personnel of the Administration involved in making''; and

(II) by striking ''and'' at the end;

(iv) in subparagraph (E)—

(I) by striking ''small businesses' needs'' and inserting ''the needs of small business concerns''; and

(II) by striking the period at the end and inserting a semicolon;

(v) by adding at the end the following:

''(F) participate, jointly with employees of the Office, in an annual training program that focuses on current small business needs for exporting; and

''(G) develop and conduct training programs for exporters and lenders, in cooperation with the Export Assistance Centers, the Department of Commerce, the Department of Agriculture, small business development centers, women's business centers, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, and other relevant Federal agencies;''; and

(vi) by striking ''small businesses'' each place that term appears and inserting ''small business concerns''; and

(L) by adding at the end the following:

''(10) make available on the website of the Administration the name and contact information of each individual described in paragraph (9);

''(11) carry out a nationwide marketing effort using technology, online resources, training, and other strategies to promote exporting as a business development opportunity for small business concerns;

''(12) disseminate information to the small business community through regional and district offices of the Administration, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives authorized by section 8(b)(1), State and local export promotion programs, and partners in the private sector regarding exporting trends, market-specific growth, industry trends, and prospects for exporting; and

''(13) establish and carry out training programs for the staff of the regional and district offices of the Administration and resource partners of the Administration on export promotion and providing assistance relating to exports.'';

(3) in subsection (d)—

(A) by redesignating paragraphs (1) through (5) as clauses (i) through (v), respectively, and adjusting the margins accordingly;

(B) by striking ''(d) The Office'' and inserting the following:

''(d) EXPORT FINANCING PROGRAMS.—

''(1) IN GENERAL.—The Associate Administrator''; and

(C) by striking ''To accomplish this goal, the Office shall work'' and inserting the following:

''(2) TRADE FINANCE SPECIALIST.—To accomplish the goal established under paragraph (1), the Associate Administrator shall—

''(A) designate at least 1 individual within the Administration as a trade finance specialist to oversee international loan programs and assist Administration employees with trade finance issues; and

''(B) work'';

(4) in subsection (e), by striking ''(e) The Office'' and inserting the following:

''(e) TRADE REMEDIES.—The Associate Administrator'';

(5) by amending subsection (f) to read as follows:

''(f) REPORTING REQUIREMENT.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

''(1) a description of the progress of the Office in implementing the requirements of this section;

''(2) a detailed account of the results of export growth activities of the Administration, including the activities of each district and regional office of the Administration, based on the performance measures described in subsection (i);

''(3) an estimate of the total number of jobs created or retained as a result of export assistance provided by the Administration and resource partners of the Administration;

''(4) for any travel by the staff of the Office, the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel; and

''(5) a description of the participation by the Office in trade negotiations.'';

(6) in subsection (g), by striking ''(g) The Office'' and inserting the following:

''(g) STUDIES.—The Associate Administrator''; and

(7) by adding after subsection (h), as added by section 1203 of this subtitle, the following:

''(i) EXPORT AND TRADE COUNSELING.—

''(1) DEFINITION.—In this subsection—

''(A) the term 'lead small business development center' means a small business development center that has received a grant from the Administration; and

''(B) the term 'lead women's business center' means a women's business center that has received a grant from the Administration.

''(2) CERTIFICATION PROGRAM.—The Administrator shall establish an export and trade counseling certification program to certify employees of lead small business development centers and lead women's business centers in providing export assistance to small business concerns.

''(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing export assistance is not less than the lesser of—

''(A) 5; or

''(B) 10 percent of the total number of employees of the lead small business development center.

''(4) REIMBURSEMENT FOR CERTIFICATION.—

''(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse a lead small business development center or a lead women's business center for costs relating to the certification of an employee of the lead small business center or lead women's business center in providing export assistance under the program established under paragraph (2).

''(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed $350,000 in any fiscal year.

''(j) PERFORMANCE MEASURES.—

''(1) IN GENERAL.—The Associate Administrator shall develop performance measures for the Administration to support export growth goals for the activities of the Office under this section that include—

''(A) the number of small business concerns that—

''(i) receive assistance from the Administration;

''(ii) had not exported goods or services before receiving the assistance described in clause (i); and

''(iii) export goods or services;

''(B) the number of small business concerns receiving assistance from the Administration that export goods or services to a market outside the United States into which the small business concern did not export before receiving the assistance;

''(C) export revenues by small business concerns assisted by programs of the Administration;

''(D) the number of small business concerns referred to an Export Assistance Center or a small business development center by the staff of the Office;

''(E) the number of small business concerns referred to the Administration by an Export Assistance Center or a small business development center; and

''(F) the number of small business concerns referred to the Department of Commerce, the Department of Agriculture, the Department of State, the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the United States Trade and Development Agency by the staff of the Office, an Export Assistance Center, or a small business development center.

''(2) JOINT PERFORMANCE MEASURES.—The Associate Administrator shall develop joint performance measures for the district offices of the Administration and the Export Assistance Centers that include the number of export loans made under—

''(A) section 7(a)(16);

''(B) the Export Working Capital Program established under section 7(a)(14);

''(C) the Preferred Lenders Program, as defined in section 7(a)(2)(C)(ii); and

''(D) the export express program established under section 7(a)(34).

''(3) CONSISTENCY OF TRACKING.—The Associate Administrator, in coordination with the departments and agencies that are represented on the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) and the small business development center network, shall develop a system to track exports by small business concerns, including information relating to the performance measures developed under paragraph (1), that is consistent with systems used by the departments and agencies and the network.''.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on any travel by the staff of the Office of International Trade of the Administration, during the period beginning on October 1, 2004, and ending on the date of enactment of the Act, including the destination of such travel and the benefits to the Administration and to small business concerns resulting from such travel.

SEC. 1205. EXPORT ASSISTANCE CENTERS.

(a) EXPORT ASSISTANCE CENTERS.—Section 22 of the Small Business Act (15 U.S.C. 649), as amended by this subtitle, is amended by adding at the end the following:

''(k) EXPORT ASSISTANCE CENTERS.—

''(1) EXPORT FINANCE SPECIALISTS.—

''(A) MINIMUM NUMBER OF EXPORT FINANCE SPECIALISTS.—On and after the date that is 90 days after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that the number of export finance specialists is not less than the number of such employees so assigned on January 1, 2003.

''(B) EXPORT FINANCE SPECIALISTS ASSIGNED TO EACH REGION OF THE ADMINISTRATION.—On and after the date that is 2 years after the date of enactment of this subsection, the Administrator, in coordination with the Secretary of Commerce, shall ensure that there are not fewer than 3 export finance specialists in each region of the Administration.

''(2) PLACEMENT OF EXPORT FINANCE SPECIALISTS.—

''(A) PRIORITY.—The Administrator shall give priority, to the maximum extent practicable, to placing employees of the Administration at any Export Assistance Center that—

''(i) had an Administration employee assigned to the Export Assistance Center before January 2003; and

''(ii) has not had an Administration employee assigned to the Export Assistance Center during the period beginning January 2003, and ending on the date of enactment of this subsection, either through retirement or reassignment.

''(B) NEEDS OF EXPORTERS.—The Administrator shall, to the maximum extent practicable, strategically assign Administration employees to Export Assistance Centers, based on the needs of exporters.

''(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Administrator to reassign or remove an export finance specialist who is assigned to an Export Assistance Center on the date of enactment of this subsection.

''(3) GOALS.—The Associate Administrator shall work with the Department of Commerce, the Export-Import Bank of the United States, and the Overseas Private Investment Corporation to establish shared annual goals for the Export Assistance Centers.

''(4) OVERSIGHT.—The Associate Administrator shall designate an individual within the Administration to oversee all activities conducted by Administration employees assigned to Export Assistance Centers.

''(l) DEFINITIONS.—In this section—

''(1) the term 'Associate Administrator' means the Associate Administrator for International Trade described in subsection (a)(2);

''(2) the term 'Export Assistance Center' means a one-stop shop for United States exporters established by the United States and Foreign Commercial Service of the Department of Commerce pursuant to section 2301(b)(8) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4721(b)(8));

''(3) the term 'export finance specialist' means a full-time equivalent employee of the Office assigned to an Export Assistance Center to carry out the duties described in subsection (e); and

''(4) the term 'Office' means the Office of International Trade established under subsection (a)(1).''.

(b) STUDY AND REPORT ON FILLING GAPS IN HIGH-AND-LOW-EXPORT VOLUME AREAS.—

(1) STUDY AND REPORT.—Not later than 6 months after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall—

(A) conduct a study of—

(i) the volume of exports for each State;

(ii) the availability of export finance specialists in each State;

(iii) the number of exporters in each State that are small business concerns;

(iv) the percentage of exporters in each State that are small business concerns;

(v) the change, if any, in the number of exporters that are small business concerns in each State—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced;

(vi) the total value of the exports in each State by small business concerns;

(vii) the percentage of the total volume of exports in each State that is attributable to small business concerns; and

(viii) the change, if any, in the percentage of the total volume of exports in each State that is attributable to small business concerns—

(I) for the first study conducted under this subparagraph, during the 10-year period ending on the date of enactment of this Act; and

(II) for each subsequent study, during the 10-year period ending on the date the study is commenced; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(i) the results of the study under subparagraph (A);

(ii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the greatest volume of exports, based upon the most recent data available from the Department of Commerce;

(iii) to the extent practicable, a recommendation regarding how to eliminate gaps between the supply of and demand for export finance specialists in the 15 States that have the lowest volume of exports, based upon the most recent data available from the Department of Commerce; and

(iv) such additional information as the Administrator determines is appropriate.

(2) DEFINITION.—In this subsection, the term ''export finance specialist'' has the meaning given that term in section 22(l) of the Small Business Act, as added by this title.

SEC. 1206. INTERNATIONAL TRADE FINANCE PROGRAMS.

(a) LOAN LIMITS.—

(1) TOTAL AMOUNT OUTSTANDING.—Section 7(a)(3)(B) of the Small Business Act (15 U.S.C. 636(a)(3)(B)) is amended by striking ''$1,750,000, of which not more than $1,250,000'' and inserting ''$4,500,000 (or if the gross loan amount would exceed $5,000,000), of which not more than $4,000,000''.

(2) PARTICIPATION.—Section 7(a)(2) of the Small Business Act (15 U.S.C. 636(a)(2)) is amended—

(A) in subparagraph (A), in the matter preceding clause (i), by striking ''subparagraph (B)'' and inserting ''subparagraphs (B), (D), and (E)'';

(B) in subparagraph (D), by striking ''Notwithstanding subparagraph (A), in'' and inserting ''In''; and

(C) by adding at the end the following:

''(E) PARTICIPATION IN INTERNATIONAL TRADE LOAN.—In an agreement to participate in a loan on a deferred basis under paragraph (16), the participation by the Administration may not exceed 90 percent.''.

(b) WORKING CAPITAL.—Section 7(a)(16)(A) of the Small Business Act (15 U.S.C. 636(a)(16)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''in—'' and inserting ''—'';

(2) in clause (i)—

(A) by inserting ''in'' after ''(i)''; and

(B) by striking ''or'' at the end;

(3) in clause (ii)—

(A) by inserting ''in'' after ''(ii)''; and

(B) by striking the period at the end and inserting '', including any debt that qualifies for refinancing under any other provision of this subsection; or''; and

(4) by adding at the end the following:

''(iii) by providing working capital.''.

(c) COLLATERAL.—Section 7(a)(16)(B) of the Small Business Act (15 U.S.C. 636(a)(16)(B)) is amended—

(1) by striking ''Each loan'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), each loan''; and

(2) by adding at the end the following:

''(ii) EXCEPTION.—A loan under this paragraph may be secured by a second lien position on the property or equipment financed by the loan or on other assets of the small business concern, if the Administrator determines the lien provides adequate assurance of the payment of the loan.''.

(d) EXPORT WORKING CAPITAL PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended—

(1) in paragraph (2)(D), by striking ''not exceed'' and inserting ''be''; and

(2) in paragraph (14)—

(A) by striking ''(A) The Administration'' and inserting the following: ''EXPORT WORKING CAPITAL PROGRAM.—

''(A) IN GENERAL.—The Administrator'';

(B) by striking ''(B) When considering'' and inserting the following:

''(C) CONSIDERATIONS.—When considering'';

(C) by striking ''(C) The Administration'' and inserting the following:

''(D) MARKETING.—The Administrator''; and

(D) by inserting after subparagraph (A) the following:

''(B) TERMS.—

''(i) LOAN AMOUNT.—The Administrator may not guarantee a loan under this paragraph of more than $5,000,000.

''(ii) FEES.—

''(I) IN GENERAL.—For a loan under this paragraph, the Administrator shall collect the fee assessed under paragraph (23) not more frequently than once each year.

''(II) UNTAPPED CREDIT.—The Administrator may not assess a fee on capital that is not accessed by the small business concern.''.

(e) PARTICIPATION IN PREFERRED LENDERS PROGRAM.—Section 7(a)(2)(C) of the Small Business Act (15 U.S.C. 636(a)(2)(C)) is amended—

(1) by redesignating clause (ii) as clause (iii); and

(2) by inserting after clause (i) the following:

''(ii) EXPORT-IMPORT BANK LENDERS.—Any lender that is participating in the Delegated Authority Lender Program of the Export-Import Bank of the United States (or any successor to the Program) shall be eligible to participate in the Preferred Lenders Program.''.

(f) EXPORT EXPRESS PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(35) EXPORT EXPRESS PROGRAM.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'export development activity' includes—

''(I) obtaining a standby letter of credit when required as a bid bond, performance bond, or advance payment guarantee;

''(II) participation in a trade show that takes place outside the United States;

''(III) translation of product brochures or catalogues for use in markets outside the United States;

''(IV) obtaining a general line of credit for export purposes;

''(V) performing a service contract from buyers located outside the United States;

''(VI) obtaining transaction-specific financing associated with completing export orders;

''(VII) purchasing real estate or equipment to be used in the production of goods or services for export;

''(VIII) providing term loans or other financing to enable a small business concern, including an export trading company and an export management company, to develop a market outside the United States; and

''(IX) acquiring, constructing, renovating, modernizing, improving, or expanding a production facility or equipment to be used in the United States in the production of goods or services for export; and

''(ii) the term 'express loan' means a loan in which a lender uses to the maximum extent practicable the loan analyses, procedures, and documentation of the lender to provide expedited processing of the loan application.

''(B) AUTHORITY.—The Administrator may guarantee the timely payment of an express loan to a small business concern made for an export development activity.

''(C) LEVEL OF PARTICIPATION.—

''(i) MAXIMUM AMOUNT.—The maximum amount of an express loan guaranteed under this paragraph shall be $500,000.

''(ii) PERCENTAGE.—For an express loan guaranteed under this paragraph, the Administrator shall guarantee—

''(I) 90 percent of a loan that is not more than $350,000; and

''(II) 75 percent of a loan that is more than $350,000 and not more than $500,000.''.

(g) ANNUAL LISTING OF EXPORT FINANCE LENDERS.—Section 7(a)(16) of the Small Business Act (15 U.S.C. 636(a)(16)) is amended by adding at the end the following:

''(F) LIST OF EXPORT FINANCE LENDERS.—

''(i) PUBLICATION OF LIST REQUIRED.—The Administrator shall publish an annual list of the banks and participating lending institutions that, during the 1-year period ending on the date of publication of the list, have made loans guaranteed by the Administration under—

''(I) this paragraph;

''(II) paragraph (14); or

''(III) paragraph (34).

''(ii) AVAILABILITY OF LIST.—The Administrator shall—

''(I) post the list published under clause (i) on the website of the Administration; and

''(II) make the list published under clause (i) available, upon request, at each district office of the Administration.''.

(h) APPLICABILITY.—The amendments made by subsections (a) through (f) shall apply with respect to any loan made after the date of enactment of this Act.

SEC. 1207. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''eligible small business concern'' means a small business concern that—

(A) has been in business for not less than the 1-year period ending on the date on which assistance is provided using a grant under this section;

(B) is operating profitably, based on operations in the United States;

(C) has demonstrated understanding of the costs associated with exporting and doing business with foreign purchasers, including the costs of freight forwarding, customs brokers, packing and shipping, as determined by the Associate Administrator; and

(D) has in effect a strategic plan for exporting;

(2) the term ''program'' means the State Trade and Export Promotion Grant Program established under subsection (b);

(3) the term ''small business concern owned and controlled by women'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(4) the term ''socially and economically disadvantaged small business concern'' has the meaning given that term in section 8(a)(4)(A) of the Small Business Act (15 U.S.C. 6537(a)(4)(A)); and

(5) the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) ESTABLISHMENT OF PROGRAM.—The Associate Administrator shall establish a 3-year trade and export promotion pilot program to be known as the State Trade and Export Promotion Grant Program, to make grants to States to carry out export programs that assist eligible small business concerns in—

(1) participation in a foreign trade mission;

(2) a foreign market sales trip;

(3) a subscription to services provided by the Department of Commerce;
(4) the payment of website translation fees;
(5) the design of international marketing media;
(6) a trade show exhibition;
(7) participation in training workshops; or
(8) any other export initiative determined appropriate by the Associate Administrator.
(c) GRANTS.—
(1) JOINT REVIEW.—In carrying out the program, the Associate Administrator may make a grant to a State to increase the number of eligible small business concerns in the State that export or to increase the value of the exports by eligible small business concerns in the State.
(2) CONSIDERATIONS.—In making grants under this section, the Associate Administrator may give priority to an application by a State that proposes a program that—
(A) focuses on eligible small business concerns as part of an export promotion program;
(B) demonstrates success in promoting exports by—
(i) socially and economically disadvantaged small business concerns;
(ii) small business concerns owned or controlled by women; and
(iii) rural small business concerns;
(C) promotes exports from a State that is not 1 of the 10 States with the highest percentage of exporters that are small business concerns, based upon the latest data available from the Department of Commerce; and
(D) promotes new-to-market export opportunities to the People's Republic of China for eligible small business concerns in the United States.
(3) LIMITATIONS.—
(A) SINGLE APPLICATION.—A State may not submit more than 1 application for a grant under the program in any 1 fiscal year.
(B) PROPORTION OF AMOUNTS.—The total value of grants under the program made during a fiscal year to the 10 States with the highest number of exporters that are small business concerns, based upon the latest data available from the Department of Commerce, shall be not more than 40 percent of the amounts appropriated for the program for that fiscal year.
(4) APPLICATION.—A State desiring a grant under the program shall submit an application at such time, in such manner, and accompanied by such information as the Associate Administrator may establish.
(d) COMPETITIVE BASIS.—The Associate Administrator shall award grants under the program on a competitive basis.
(e) FEDERAL SHARE.—The Federal share of the cost of an export program carried out using a grant under the program shall be—
(1) for a State that has a high export volume, as determined by the Associate Administrator, not more than 65 percent; and
(2) for a State that does not have a high export volume, as determined by the Associate Administrator, not more than 75 percent.
(f) NON-FEDERAL SHARE.—The non-Federal share of the cost of an export program carried using a grant under the program shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.
(g) REPORTS.—
(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of this Act, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report, which shall include—
(A) a description of the structure of and procedures for the program;
(B) a management plan for the program; and
(C) a description of the merit-based review process to be used in the program.
(2) ANNUAL REPORTS.—The Associate Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the program, which shall include—
(A) the number and amount of grants made under the program during the preceding year;
(B) a list of the States receiving a grant under the program during the preceding year, including the activities being performed with grant; and
(C) the effect of each grant on exports by eligible small business concerns in the State receiving the grant.
(h) REVIEWS BY INSPECTOR GENERAL.—
(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—
(A) the extent to which recipients of grants under the program are measuring the performance of the activities being conducted and the results of the measurements; and
(B) the overall management and effectiveness of the program.
(2) REPORT.—Not later than September 30, 2012, the Inspector General of the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the review conducted under paragraph (1).
(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program $30,000,000 for each of fiscal years 2011, 2012, and 2013.
(j) TERMINATION.—The authority to carry out the program shall terminate 3 years after the date on which the Associate Administrator establishes the program.

SEC. 1208. RURAL EXPORT PROMOTION.

Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture and the Secretary of Commerce, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that contains—
(1) a description of each program of the Administration that promotes exports by rural small business concerns, including—
(A) the number of rural small business concerns served by the program;
(B) the change, if any, in the number of rural small business concerns as a result of participation in the program during the 10-year period ending on the date of enactment of this Act;
(C) the volume of exports by rural small business concerns that participate in the program; and
(D) the change, if any, in the volume of exports by rural small businesses that participate in the program during the 10-year period ending on the date of enactment of this Act;
(2) a description of the coordination between programs of the Administration and other Federal programs that promote exports by rural small business concerns;
(3) recommendations, if any, for improving the coordination described in paragraph (2);
(4) a description of any plan by the Administration to market the international trade financing programs of the Administration through lenders that—
(A) serve rural small business concerns; and
(B) are associated with financing programs of the Department of Agriculture;
(5) recommendations, if any, for improving coordination between the counseling programs and export financing programs of the Administration, in order to increase the volume of exports by rural small business concerns; and
(6) any additional information the Administrator determines is necessary.

SEC. 1209. INTERNATIONAL TRADE COOPERATION BY SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—
(1) by striking ''(2) The Small Business Development Centers'' and inserting the following:
''(2) COOPERATION TO PROVIDE INTERNATIONAL TRADE SERVICES.—
''(A) INFORMATION AND SERVICES.—The small business development centers''; and
(2) in paragraph (2)—
(A) in subparagraph (A), as so designated, by inserting ''(including State trade agencies),'' after ''local agencies''; and
(B) by adding at the end the following:
''(B) COOPERATION WITH STATE TRADE AGENCIES AND EXPORT ASSISTANCE CENTERS.—A small business development center that counsels a small business concern on issues relating to international trade shall—
''(i) consult with State trade agencies and Export Assistance Centers to provide appropriate services to the small business concern; and
''(ii) as necessary, refer the small business concern to a State trade agency or an Export Assistance Center for further counseling or assistance.
''(C) DEFINITION.—In this paragraph, the term 'Export Assistance Center' has the same meaning as in section 22.''.

Subtitle C—Small Business Contracting

PART I—CONTRACT BUNDLING

SEC. 1311. SMALL BUSINESS ACT.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1202, is amended by adding at the end the following:
''(v) MULTIPLE AWARD CONTRACT.—In this Act, the term 'multiple award contract' means—
''(1) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and
''(2) any other indefinite delivery, indefinite quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation.''.

SEC. 1312. LEADERSHIP AND OVERSIGHT.

(a) IN GENERAL.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following:
''(q) BUNDLING ACCOUNTABILITY MEASURES.—
''(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the substantial bundling threshold of the Federal agency a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.
''(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—
''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41

U.S.C. 4219(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures under paragraph (1); and

''(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

''(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits data certifications to the Administrator for Federal Procurement Policy, the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.

''(3) REPORTING.—Not later than 90 days after the date of enactment of this subsection, and every 3 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding procurement center representatives and commercial market representatives, which shall—

''(A) identify each area for which the Administration has assigned a procurement center representative or a commercial market representative;

''(B) explain why the Administration selected the areas identified under subparagraph (A); and

''(C) describe the activities performed by procurement center representatives and commercial market representatives.''.

(b) TECHNICAL CORRECTION.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking ''Administrator of the Office of Federal Procurement Policy'' each place it appears and inserting ''Administrator for Federal Procurement Policy''.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding the procurement center representative program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) address ways to improve the effectiveness of the procurement center representative program in helping small business concerns obtain Federal contracts;

(B) evaluate the effectiveness of procurement center representatives and commercial marketing representatives; and

(C) include recommendations, if any, on how to improve the procurement center representative program.

(d) ELECTRONIC PROCUREMENT CENTER REPRESENTATIVE.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall implement a 3-year pilot electronic procurement center representative program.

(2) REPORT.—Not later than 30 days after the pilot program under paragraph (1) ends, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the pilot program.

SEC. 1313. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

''SEC. 44. CONSOLIDATION OF CONTRACT REQUIREMENTS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a));

''(2) the term 'consolidation of contract requirements', with respect to contract requirements of a Federal agency, means a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and

''(3) the term 'senior procurement executive' means an official designated under section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) as the senior procurement executive for a Federal agency.

''(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding consolidation of contract requirements of the Federal agency are made with a view to providing small business concerns with appropriate opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

''(c) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

''(1) IN GENERAL.—Subject to paragraph (4), the head of a Federal agency may not carry out an acquisition strategy that includes a consolidation of contract requirements of the Federal agency with a total value of more than $2,000,000, unless the senior procurement executive or Chief Acquisition Officer for the Federal agency, before carrying out the acquisition strategy—

''(A) conducts market research;

''(B) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements;

''(C) makes a written determination that the consolidation of contract requirements is necessary and justified;

''(D) identifies any negative impact by the acquisition strategy on contracting with small business concerns; and

''(E) certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy.

''(2) DETERMINATION THAT CONSOLIDATION IS NECESSARY AND JUSTIFIED.—

''(A) IN GENERAL.—A senior procurement executive or Chief Acquisition Officer may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1)(C) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1)(B).

''(B) SAVINGS IN ADMINISTRATIVE OR PERSONNEL COSTS.—For purposes of subparagraph (A), savings in administrative or personnel costs alone do not constitute a sufficient justification for a consolidation of contract requirements in a procurement unless the expected total amount of the cost savings, as determined by the senior procurement executive or Chief Acquisition Officer, is expected to be substantial in relation to the total cost of the procurement.

''(3) BENEFITS TO BE CONSIDERED.—The benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

''(A) quality;

''(B) acquisition cycle;

''(C) terms and conditions; and

''(D) any other benefit.

''(4) DEPARTMENT OF DEFENSE.—

''(A) IN GENERAL.—The Department of Defense and each military department shall comply with this section until after the date described in subparagraph (C).

''(B) RULE.—After the date described in subparagraph (C), contracting by the Department of Defense or a military department shall be conducted in accordance with section 2382 of title 10, United States Code.

''(C) DATE.—The date described in this subparagraph is the date on which the Administrator determines the Department of Defense or a military department is in compliance with the Government-wide contracting goals under section 15.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 2382(b)(1) of title 10, United States Code, is amended by striking ''An official'' and inserting ''Subject to section 44(c)(4), an official''.

SEC. 1314. SMALL BUSINESS TEAMS PILOT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term ''Pilot Program'' means the Small Business Teaming Pilot Program established under subsection (b); and

(2) the term ''eligible organization'' means a well-established national organization for small business concerns with the capacity to provide assistance to small business concerns (which may be provided with the assistance of the Administrator) relating to—

(A) customer relations and outreach;

(B) team relations and outreach; and

(C) performance measurement and quality assurance.

(b) ESTABLISHMENT.—The Administrator shall establish a Small Business Teaming Pilot Program for teaming and joint ventures involving small business concerns.

(c) GRANTS.—Under the Pilot Program, the Administrator may make grants to eligible organizations to provide assistance and guidance to teams of small business concerns seeking to compete for larger procurement contracts.

(d) CONTRACTING OPPORTUNITIES.—The Administrator shall work with eligible organizations receiving a grant under the Pilot Program to recommend appropriate contracting opportunities for teams or joint ventures of small business concerns.

(e) REPORT.—Not later than 1 year before the date on which the authority to carry out the Pilot Program terminates under subsection (f), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the effectiveness of the Pilot Program.

(f) TERMINATION.—The authority to carry out the Pilot Program shall terminate 5 years after the date of enactment of this Act.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under subsection (c) $5,000,000 for each of fiscal years 2010 through 2015.

PART II—SUBCONTRACTING INTEGRITY

SEC. 1321. SUBCONTRACTING MISREPRESENTATIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in consultation with the Administrator for Federal Procurement Policy, shall promulgate regulations relating to, and the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a))

shall amend the Federal Acquisition Regulation issued under section 25 of such Act to establish a policy on, subcontracting compliance relating to small business concerns, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

SEC. 1322. SMALL BUSINESS SUBCONTRACTING IMPROVEMENTS.

Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

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

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

(3) by adding at the end, the following:

''(G) a representation that the offeror or bidder will—

''(i) make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns used in preparing and submitting to the contracting agency the bid or proposal, in the same amount and quality used in preparing and submitting the bid or proposal; and

''(ii) provide to the contracting officer a written explanation if the offeror or bidder fails to acquire articles, equipment, supplies, services, or materials or obtain the performance of construction work as described in clause (i).''.

PART III—ACQUISITION PROCESS

SEC. 1331. RESERVATION OF PRIME CONTRACT AWARDS FOR SMALL BUSINESSES.

Section 15 of the Small Business Act (15 U.S.C. 644), as amended by this Act, is amended by adding at the end the following:

''(r) MULTIPLE AWARD CONTRACTS.—Not later than 1 year after the date of enactment of this subsection, the Administrator for Federal Procurement Policy and the Administrator, in consultation with the Administrator of General Services, shall, by regulation, establish guidance under which Federal agencies may, at their discretion—

''(1) set aside part or parts of a multiple award contract for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2);

''(2) notwithstanding the fair opportunity requirements under section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)), set aside orders placed against multiple award contracts for small business concerns, including the subcategories of small business concerns identified in subsection (g)(2); and

''(3) reserve 1 or more contract awards for small business concerns under full and open multiple award procurements, including the subcategories of small business concerns identified in subsection (g)(2).''.

SEC. 1332. MICRO-PURCHASE GUIDELINES.

Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Administrator of General Services, shall issue guidelines regarding the analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small business concerns in purchases in an amount not in excess of the micro-purchase threshold, as defined in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) (in this section referred to as ''micro-purchases''), consistent with the national policy on small business participation in Federal procurements set forth in sections 2(a) and 15(g) of the Small Business Act (15 U.S.C. 631(a) and 644(g)), and dissemination of best practices for participation of small business concerns in micro-purchases.

SEC. 1333. AGENCY ACCOUNTABILITY.

Section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) by inserting ''(A)'' after ''(2)'';

(2) by striking ''Goals established'' and inserting the following:

''(B) Goals established'';

(3) by striking ''Whenever'' and inserting the following:

''(C) Whenever'';

(4) by striking ''For the purpose of'' and inserting the following:

''(D) For the purpose of'';

(5) by striking ''The head of each Federal agency, in attempting to attain such participation'' and inserting the following:

''(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D)''.

(6) in subparagraph (E), as so designated—

(A) by striking ''(A) contracts'' and inserting ''(i) contracts''; and

(B) by striking ''(B) contracts'' and inserting ''(ii) contracts''; and

(7) by adding at the end the following:

''(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

''(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.''.

SEC. 1334. PAYMENT OF SUBCONTRACTORS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(12) PAYMENT OF SUBCONTRACTORS.—

''(A) DEFINITION.—In this paragraph, the term 'covered contract' means a contract relating to which a prime contractor is required to develop a subcontracting plan under paragraph (4) or (5).

''(B) NOTICE.—

''(i) IN GENERAL.—A prime contractor for a covered contract shall notify in writing the contracting officer for the covered contract if the prime contractor pays a reduced price to a subcontractor for goods and services upon completion of the responsibilities of the subcontractor or the payment to a subcontractor is more than 90 days past due for goods or services provided for the covered contract for which the Federal agency has paid the prime contractor.

''(ii) CONTENTS.—A prime contractor shall include the reason for the reduction in a payment to or failure to pay a subcontractor in any notice made under clause (i).

''(C) PERFORMANCE.—A contracting officer for a covered contract shall consider the unjustified failure by a prime contractor to make a full or timely payment to a subcontractor in evaluating the performance of the prime contractor.

''(D) CONTROL OF FUNDS.—If the contracting officer for a covered contract determines that a prime contractor has a history of unjustified, untimely payments to contractors, the contracting officer shall record the identity of the contractor in accordance with the regulations promulgated under subparagraph (E).

''(E) REGULATIONS.—Not later than 1 year after the date of enactment of this paragraph, the Federal Acquisition Regulatory Council established under section 25(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(a)) shall amend the Federal Acquisition Regulation issued under section 25 of such Act to—

''(i) describe the circumstances under which a contractor may be determined to have a history of unjustified, untimely payments to subcontractors;

''(ii) establish a process for contracting officers to record the identity of a contractor described in clause (i); and

''(iii) require the identity of a contractor described in clause (i) to be incorporated in, and made publicly available through, the Federal Awardee Performance and Integrity Information System, or any successor thereto.''.

SEC. 1335. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Business Opportunity Development Reform Act of 1988 (Public Law 100–656) is amended by striking title VII (15 U.S.C. 644 note).

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) apply to the first full fiscal year after the date of enactment of this Act.

PART IV—SMALL BUSINESS SIZE AND STATUS INTEGRITY

SEC. 1341. POLICY AND PRESUMPTIONS.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1311, is amended by adding at the end the following:

''(w) PRESUMPTION.—

''(1) IN GENERAL.—In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to small business concerns, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a small business concern willfully sought and received the award by misrepresentation.

''(2) DEEMED CERTIFICATIONS.—The following actions shall be deemed affirmative, willful, and intentional certifications of small business size and status:

''(A) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to small business concerns.

''(B) Submission of a bid or proposal for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a small business concern.

''(C) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research agreement, as a small business concern.

''(3) CERTIFICATION BY SIGNATURE OF RESPONSIBLE OFFICIAL.—

''(A) IN GENERAL.—Each solicitation, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the small business size and status of a business concern seeking the Federal contract, subcontract, or grant.

''(B) CONTENT OF CERTIFICATIONS.—A certification that a business concern qualifies as a small business concern of the exact size and status claimed by the business concern for purposes of bidding on a Federal contract or subcontract, or applying for a Federal grant, shall contain the signature of an authorized official on the same page on which the certification is contained.

''(4) REGULATIONS.—The Administrator shall promulgate regulations to provide adequate protections to individuals and business

concerns from liability under this subsection in cases of unintentional errors, technical malfunctions, and other similar situations.''.

SEC. 1342. ANNUAL CERTIFICATION.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1341, is amended by adding at the end the following:

''(x) ANNUAL CERTIFICATION.—

''(1) IN GENERAL.—Each business certified as a small business concern under this Act shall annually certify its small business size and, if appropriate, its small business status, by means of a confirming entry on the Online Representations and Certifications Application database of the Administration, or any successor thereto.

''(2) REGULATIONS.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Inspector General and the Chief Counsel for Advocacy of the Administration, shall promulgate regulations to ensure that—

''(A) no business concern continues to be certified as a small business concern on the Online Representations and Certifications Application database of the Administration, or any successor thereto, without fulfilling the requirements for annual certification under this subsection; and

''(B) the requirements of this subsection are implemented in a manner presenting the least possible regulatory burden on small business concerns.''.

SEC. 1343. TRAINING FOR CONTRACTING AND ENFORCEMENT PERSONNEL.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Acquisition Institute, in consultation with the Administrator for Federal Procurement Policy, the Defense Acquisition University, and the Administrator, shall develop courses for acquisition personnel concerning proper classification of business concerns and small business size and status for purposes of Federal contracts, subcontracts, grants, cooperative agreements, and cooperative research and development agreements.

(b) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1342, is amended by adding at the end the following:

''(y) POLICY ON PROSECUTIONS OF SMALL BUSINESS SIZE AND STATUS FRAUD.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with the Attorney General, shall issue a Government-wide policy on prosecution of small business size and status fraud, which shall direct Federal agencies to appropriately publicize the policy.''.

SEC. 1344. UPDATED SIZE STANDARDS.

(a) ROLLING REVIEW.—

(1) IN GENERAL.—The Administrator shall—

(A) during the 18-month period beginning on the date of enactment of this Act, and during every 18-month period thereafter, conduct a detailed review of not less than ⅓ of the size standards for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)), which shall include holding not less than 2 public forums located in different geographic regions of the United States;

(B) after completing each review under subparagraph (A) make appropriate adjustments to the size standards established under section 3(a)(2) of the Small Business Act to reflect market conditions;

(C) make publicly available—

(i) information regarding the factors evaluated as part of each review conducted under subparagraph (A); and

(ii) information regarding the criteria used for any revised size standards promulgated under subparagraph (B); and

(D) not later than 30 days after the date on which the Administrator completes each review under subparagraph (A), submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives and make publicly available a report regarding the review, including why the Administrator—

(i) used the factors and criteria described in subparagraph (C); and

(ii) adjusted or did not adjust each size standard that was reviewed under the review.

(2) COMPLETE REVIEW OF SIZE STANDARDS.—The Administrator shall ensure that each size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) is reviewed under paragraph (1) not less frequently than once every 5 years.

(b) RULES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall promulgate rules for conducting the reviews required under subsection (a).

SEC. 1345. STUDY AND REPORT ON THE MENTOR-PROTEGE PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), and other relationships and strategic alliances pairing a larger business and a small business concern partner to gain access to Federal Government contracts, to determine whether the programs and relationships are effectively supporting the goal of increasing the participation of small business concerns in Government contracting.

(b) MATTERS TO BE STUDIED.—The study conducted under this section shall include—

(1) a review of a broad cross-section of industries; and

(2) an evaluation of—

(A) how each Federal agency carrying out a program described in subsection (a) administers and monitors the program;

(B) whether there are systems in place to ensure that the mentor-protege relationship, or similar affiliation, promotes real gain to the protege, and is not just a mechanism to enable participants that would not otherwise qualify under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to receive contracts under that section; and

(C) the degree to which protege businesses become able to compete for Federal contracts without the assistance of a mentor.

(c) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of the study conducted under this section.

SEC. 1346. CONTRACTING GOALS REPORTS.

Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended by striking ''submit them'' and all that follows through ''the following:'' and inserting ''submit to the President and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the compilation and analysis, which shall include the following:''.

SEC. 1347. SMALL BUSINESS CONTRACTING PARITY.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the terms ''HUBZone small business concern'', ''small business concern'', ''small business concern owned and controlled by service-disabled veterans'', and ''small business concern owned and controlled by women'' have the same meanings as in section 3 of the Small Business Act (15 U.S.C. 632).

(b) CONTRACTING IMPROVEMENTS.—

(1) CONTRACTING OPPORTUNITIES.—Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking ''shall'' and inserting ''may''.

(2) CONTRACTING GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended in the fourth sentence by inserting ''and subcontract'' after ''not less than 3 percent of the total value of all prime contract''.

(3) MENTOR-PROTEGE PROGRAMS.—The Administrator may establish mentor-protege programs for small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by women, and HUBZone small business concerns modeled on the mentor-protege program of the Administration for small business concerns participating in programs under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) SMALL BUSINESS CONTRACTING PROGRAMS PARITY.—Section 31(b)(2) of the Small Business Act (15 U.S.C. 657a(b)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''Notwithstanding any other provision of law—'';

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''a contracting'' and inserting ''SOLE SOURCE CONTRACTS.—A contracting''; and

(B) in clause (iii), by striking the semicolon at the end and inserting a period;

(3) in subparagraph (B)—

(A) by striking ''a contract opportunity shall'' and inserting ''RESTRICTED COMPETITION.—A contract opportunity may''; and

(B) by striking ''; and'' and inserting a period; and

(4) in subparagraph (C), by striking ''not later'' and inserting ''APPEALS.—Not later''.

Subtitle D—Small Business Management and Counseling Assistance

SEC. 1401. MATCHING REQUIREMENTS UNDER SMALL BUSINESS PROGRAMS.

(a) MICROLOAN PROGRAM.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraph (3)(B)—

(A) by striking ''As a condition'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition'';

(B) by striking ''the Administration'' and inserting ''the Administrator''; and

(C) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''; and

(2) in paragraph (4)(B)—

(A) by striking ''As a condition'' and all that follows through ''the Administration shall require'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), as a condition of a grant made under subparagraph (A), the Administrator shall require''; and

(B) by adding at the end the following:

''(ii) WAIVER OF NON-FEDERAL SHARE.—

''(I) IN GENERAL.—Upon request by an intermediary, and in accordance with this clause, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under clause (i) for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this clause for successive fiscal years.

''(II) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this clause, the Administrator shall consider—

''(aa) the economic conditions affecting the intermediary;

''(bb) the impact a waiver under this clause would have on the credibility of the microloan program under this subsection;

''(cc) the demonstrated ability of the intermediary to raise non-Federal funds; and

''(dd) the performance of the intermediary.

''(III) LIMITATIONS.—

''(aa) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause if granting the waiver would undermine the credibility of the microloan program under this subsection.

''(bb) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this clause for fiscal year 2013 or any fiscal year thereafter.''.

(b) WOMEN'S BUSINESS CENTER PROGRAM.—Section 29(c) of the Small Business Act (15 U.S.C. 656(c)) is amended—

(1) in paragraph (1), by striking ''As a condition'' and inserting ''Subject to paragraph (5), as a condition''; and

(2) by adding at the end the following:

''(5) WAIVER OF NON-FEDERAL SHARE RELATING TO TECHNICAL ASSISTANCE AND COUNSELING.—

''(A) IN GENERAL.—Upon request by a recipient organization, and in accordance with this paragraph, the Administrator may waive, in whole or in part, the requirement to obtain non-Federal funds under this subsection for the technical assistance and counseling activities of the recipient organization carried out using financial assistance under this section for a fiscal year. The Administrator may waive the requirement to obtain non-Federal funds under this paragraph for successive fiscal years.

''(B) CONSIDERATIONS.—In determining whether to waive the requirement to obtain non-Federal funds under this paragraph, the Administrator shall consider—

''(i) the economic conditions affecting the recipient organization;

''(ii) the impact a waiver under this clause would have on the credibility of the women's business center program under this section;

''(iii) the demonstrated ability of the recipient organization to raise non-Federal funds; and

''(iv) the performance of the recipient organization.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph if granting the waiver would undermine the credibility of the women's business center program under this section.

''(ii) SUNSET.—The Administrator may not waive the requirement to obtain non-Federal funds under this paragraph for fiscal year 2013 or any fiscal year thereafter.''.

(c) PROSPECTIVE REPEALS.—Effective October 1, 2012, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 7(m) (15 U.S.C. 636(m))—

(A) in paragraph (3)(B)—

(i) by striking ''INTERMEDIARY CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''INTERMEDIARY CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(B) in paragraph (4)(B)—

(i) by striking ''CONTRIBUTION.—'' and all that follows through ''Subject to clause (ii), as'' and inserting ''CONTRIBUTION.—As''; and

(ii) by striking clause (ii); and

(2) in section 29(c) (15 U.S.C. 656(c))—

(A) in paragraph (1), by striking ''Subject to paragraph (5), as'' and inserting ''As''; and

(B) by striking paragraph (5).

SEC. 1402. GRANTS FOR SBDCS.

(a) IN GENERAL.—The Administrator may make grants to small business development centers under section 21 of the Small Business Act (15 U.S.C. 648) to provide targeted technical assistance to small business concerns seeking access to capital or credit, Federal procurement opportunities, energy efficiency audits to reduce energy bills, opportunities to export products or provide services to foreign customers, adopting, making innovations in, and using broadband technologies, or other assistance.

(b) ALLOCATION.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding the requirements of section 21(a)(4)(C)(iii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)), the amount appropriated to carry out this section shall be allocated under the formula under section 21(a)(4)(C)(i) of that Act.

(2) MINIMUM FUNDING.—The amount made available under this section to each State shall be not less than $325,000.

(3) TYPES OF USES.—Of the total amount of the grants awarded by the Administrator under this section—

(A) not less than 80 percent shall be used for counseling of small business concerns; and

(B) not more than 20 percent may be used for classes or seminars.

(c) NO NON-FEDERAL SHARE REQUIRED.—Notwithstanding section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)), the recipient of a grant made under this section shall not be required to provide non-Federal matching funds.

(d) DISTRIBUTION.—Not later than 30 days after the date on which amounts are appropriated to carry out this section, the Administrator shall disburse the total amount appropriated.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $50,000,000 to carry out this section.

Subtitle E—Disaster Loan Improvement

SEC. 1501. AQUACULTURE BUSINESS DISASTER ASSISTANCE.

Section 3 of the Small Business Act (15 U.S.C. 632), as amended by section 1343, is amended by adding at the end the following:

''(z) AQUACULTURE BUSINESS DISASTER ASSISTANCE.—Subject to section 18(a) and notwithstanding section 18(b)(1), the Administrator may provide disaster assistance under section 7(b)(2) to aquaculture enterprises that are small businesses.''.

Subtitle F—Small Business Regulatory Relief

SEC. 1601. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

Section 604(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''succinct'';

(2) in paragraph (2), by striking ''summary'' each place it appears and inserting ''statement'';

(3) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;''.

SEC. 1602. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

Subtitle G—Appropriations Provisions

SEC. 1701. SALARIES AND EXPENSES.

(a) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, $150,000,000, to remain available until September 30, 2012, for an additional amount for the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION'', of which—

(1) $50,000,000 is for grants to small business development centers authorized under section 1402;

(2) $1,000,000 is for the costs of administering grants authorized under section 1402;

(3) $30,000,000 is for grants to States for fiscal year 2011 to carry out export programs that assist small business concerns authorized under section 1207;

(4) $30,000,000 is for grants to States for fiscal year 2012 to carry out export programs that assist small business concerns authorized under section 1207;

(5) $2,500,000 is for the costs of administering grants authorized under section 1207;

(6) $5,000,000 is for grants for fiscal year 2011 under the Small Business Teaming Pilot Program under section 1314; and

(7) $5,000,000 is for grants for fiscal year 2012 under the Small Business Teaming Pilot Program under section 1314.

(b) REPORT.—Not later than 60 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a detailed expenditure plan for using the funds provided under subsection (a).

SEC. 1702. BUSINESS LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''BUSINESS LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION''—

(1) $8,000,000, to remain available until September 30, 2012, for fiscal year 2011 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(2) $8,000,000, to remain available until September 30, 2012, for fiscal year 2012 for the cost of direct loans authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, including the cost of modifying the loans;

(3) $6,500,000, to remain available until September 30, 2012, for administrative expenses to carry out the direct loan program authorized under section 7(l) of the Small Business Act, as added by section 1131 of this title, which may be transferred to and merged with the appropriations account appropriated under the heading ''SALARIES AND EXPENSES'' under the heading ''SMALL BUSINESS ADMINISTRATION''; and

(4) $15,000,000, to remain available until September 30, 2011, for the cost of guaranteed loans as authorized under section 7(a) of the Small Business Act, including the cost of modifying the loans.

(b) DEFINITION.—In this section, the term ''cost'' has the meaning given that term in section 502 of the Congressional Budget Act of 1974.

SEC. 1703. COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for an additional amount for the appropriations account appropriated under the heading ''COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT'' under the heading ''DEPARTMENT OF THE TREASURY'', $13,500,000, to remain available until September 30, 2012, for the costs of administering guarantees for bonds and notes as authorized under section 114A of the Riegle Community Development and Regulatory Improvement Act of 1994, as added by section 1134 of this Act.

SEC. 1704. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) EXTENSION OF PROGRAMS.—

(1) IN GENERAL.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(A) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this Act; and

(B) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this Act.

(2) COST.—For purposes of this subsection, the term ''cost'' has the same meaning as in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

(b) ADMINISTRATIVE EXPENSES.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

TITLE II—TAX PROVISIONS

SEC. 2001. SHORT TITLE.

This title may be cited as the ''Creating Small Business Jobs Act of 2010''.

Subtitle A—Small Business Relief

PART I—PROVIDING ACCESS TO CAPITAL

SEC. 2011. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 100 PERCENT EXCLUSION FOR STOCK ACQUIRED DURING CERTAIN PERIODS IN 2010.—In the case of qualified small business stock acquired after the date of the enactment of the Creating Small Business Jobs Act of 2010 and before January 1, 2011—

''(A) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(B) paragraph (2) shall not apply, and

''(C) paragraph (7) of section 57(a) shall not apply.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1202(a) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''CERTAIN PERIODS IN'' before ''2010'' in the heading, and

(2) by striking ''before January 1, 2011'' and inserting ''on or before the date of the enactment of the Creating Small Business Jobs Act of 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 2012. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES FOR 2010 CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits determined in the first taxable year of the taxpayer beginning in 2010—

''(i) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(ii) paragraph (2) shall be applied—

''(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting ''or the eligible small business credits'' after ''credit)''.

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

SEC. 2013. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES IN 2010 NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS IN 2010.—

''(A) IN GENERAL.—In the case of eligible small business credits determined in taxable years beginning in 2010—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year—

''(i) a corporation the stock of which is not publicly traded,

''(ii) a partnership, or

''(iii) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed $50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(D) TREATMENT OF PARTNERS AND S CORPORATION SHAREHOLDERS.—Credits determined with respect to a partnership or S corporation shall not be treated as eligible small business credits by any partner or shareholder unless such partner or shareholder meets the gross receipts test under subparagraph (C) for the taxable year in which such credits are treated as current year business credits.''.

(b) TECHNICAL AMENDMENT.—Section 55(e)(5) of the Internal Revenue Code of 1986 is amended by striking ''38(c)(3)(B)'' and inserting ''38(c)(6)(B)''.

(c) CONFORMING AMENDMENTS.—

(1) Subclause (II) of section 38(c)(2)(A)(ii) of the Internal Revenue Code of 1986 is amended by inserting ''the eligible small business credits,'' after ''the New York Liberty Zone business employee credit,''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) of such Code is amended by inserting '', the eligible small business credits,'' after ''the New York Liberty Zone business employee credit''.

(3) Subclause (II) of section 38(c)(4)(A)(ii) of such Code is amended by inserting ''the eligible small business credits and'' before ''the specified credits''.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 2014. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Subparagraph (B) of section 1374(d)(7) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) SPECIAL RULES FOR 2009, 2010, AND 2011.—No tax shall be imposed on the net recognized built-in gain of an S corporation—

''(i) in the case of any taxable year beginning in 2009 or 2010, if the 7th taxable year in the recognition period preceded such taxable year, or

''(ii) in the case of any taxable year beginning in 2011, if the 5th year in the recognition period preceded such taxable year.

The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

PART II—ENCOURAGING INVESTMENT

SEC. 2021. INCREASED EXPENSING LIMITATIONS FOR 2010 AND 2011; CERTAIN REAL PROPERTY TREATED AS SECTION 179 PROPERTY.

(a) INCREASED LIMITATIONS.—Subsection (b) of section 179 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''shall not exceed'' and all that follows in paragraph (1) and inserting ''shall not exceed—

''(A) $250,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $500,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $25,000 in the case of taxable years beginning after 2011.'', and

(2) by striking ''exceeds'' and all that follows in paragraph (2) and inserting ''exceeds—

''(A) $800,000 in the case of taxable years beginning after 2007 and before 2010,

''(B) $2,000,000 in the case of taxable years beginning in 2010 or 2011, and

''(C) $200,000 in the case of taxable years beginning after 2011.''.

(b) INCLUSION OF CERTAIN REAL PROPERTY.—Section 179 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULES FOR QUALIFIED REAL PROPERTY.—

''(1) IN GENERAL.—If a taxpayer elects the application of this subsection for any taxable year beginning in 2010 or 2011, the term 'section 179 property' shall include any qualified real property which is—

''(A) of a character subject to an allowance for depreciation,

''(B) acquired by purchase for use in the active conduct of a trade or business, and

''(C) not described in the last sentence of subsection (d)(1).

''(2) QUALIFIED REAL PROPERTY.—For purposes of this subsection, the term 'qualified real property' means—

''(A) qualified leasehold improvement property described in section 168(e)(6),

''(B) qualified restaurant property described in section 168(e)(7) (without regard to the dates specified in subparagraph (A)(i) thereof), and

''(C) qualified retail improvement property described in section 168(e)(8) (without regard to subparagraph (E) thereof).

''(3) LIMITATION.—For purposes of applying the limitation under subsection (b)(1)(B), not more than $250,000 of the aggregate cost which is taken into account under subsection (a) for any taxable year may be attributable to qualified real property.

''(4) CARRYOVER LIMITATION.—

''(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B), no amount attributable to qualified real property may be carried over to a taxable year beginning after 2011.

''(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C), to the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A), this title shall be applied as if no election under this section had been made with respect to such amount.

''(C) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer's last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer's last taxable year beginning in 2011.

''(D) ALLOCATION OF AMOUNTS.—For purposes of applying this paragraph and subsection (b)(3)(B) to any taxable year, the amount which is disallowed under subsection (b)(3)(A) for such taxable year which is attributed to qualified real property shall be the amount which bears the same ratio to the total amount so disallowed as—

''(i) the aggregate amount attributable to qualified real property placed in service during such taxable year, increased by the portion of any amount carried over to such taxable year from a prior taxable year which is attributable to such property, bears to

''(ii) the total amount of section 179 property placed in service during such taxable year, increased by the aggregate amount carried over to such taxable year from any prior taxable year.

For purposes of the preceding sentence, only section 179 property with respect to which an election was made under subsection (c)(1) (determined without regard to subparagraph (B) of this paragraph) shall be taken into account.''.

(c) REVOCABILITY OF ELECTION.—Paragraph (2) of section 179(c) of the Internal Revenue Code of 1986 is amended by striking ''2011'' and inserting ''2012''.

(d) COMPUTER SOFTWARE TREATED AS 179 PROPERTY.—Clause (ii) of section 179(d)(1)(A) is amended by striking ''2011'' and inserting ''2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

(2) EXTENSIONS.—The amendments made by subsections (c) and (d) shall apply to taxable years beginning after December 31, 2010.

SEC. 2022. ADDITIONAL FIRST-YEAR DEPRECIATION FOR 50 PERCENT OF THE BASIS OF CERTAIN QUALIFIED PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subparagraph (A)(iv) and inserting ''January 1, 2012'', and

(2) by striking ''January 1, 2010'' each place it appears and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 of the Internal Revenue Code of 1986 is amended by striking ''JANUARY 1, 2010'' and inserting ''JANUARY 1, 2011''.

(2) The heading for clause (ii) of section 168(k)(2)(B) of such Code is amended by striking ''PRE-JANUARY 1, 2010'' and inserting ''PRE-JANUARY 1, 2011''.

(3) Subparagraph (D) of section 168(k)(4) of such Code is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting a comma, and by adding at the end the following new clauses:

''(iv) 'January 1, 2011' shall be substituted for 'January 1, 2012' in subparagraph (A)(iv) thereof, and

''(v) 'January 1, 2010' shall be substituted for 'January 1, 2011' each place it appears in subparagraph (A) thereof.''.

(4) Subparagraph (B) of section 168(l)(5) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(5) Subparagraph (C) of section 168(n)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(6) Subparagraph (D) of section 1400L(b)(2) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(7) Subparagraph (B) of section 1400N(d)(3) of such Code is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009, in taxable years ending after such date.

SEC. 2023. SPECIAL RULE FOR LONG-TERM CONTRACT ACCOUNTING.

(a) IN GENERAL.—Section 460(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR ALLOCATION OF BONUS DEPRECIATION WITH RESPECT TO CERTAIN PROPERTY.—

''(A) IN GENERAL.—Solely for purposes of determining the percentage of completion under subsection (b)(1)(A), the cost of qualified property shall be taken into account as a cost allocated to the contract as if subsection (k) of section 168 had not been enacted.

''(B) QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'qualified property' means property described in section 168(k)(2) which—

''(i) has a recovery period of 7 years or less, and

''(ii) is placed in service after December 31, 2009, and before January 1, 2011 (January 1, 2012, in the case of property described in section 168(k)(2)(B)).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART III—PROMOTING ENTREPRENEURSHIP

SEC. 2031. INCREASE IN AMOUNT ALLOWED AS DEDUCTION FOR START-UP EXPENDITURES IN 2010.

(a) START-UP EXPENDITURES.—Subsection (b) of section 195 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2010.—In the case of a taxable year beginning in 2010, paragraph (1)(A)(ii) shall be applied—

''(A) by substituting '$10,000' for '$5,000', and

''(B) by substituting '$60,000' for '$50,000'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2009.

SEC. 2032. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES TRADE REPRESENTATIVE TO DEVELOP MARKET ACCESS OPPORTUNITIES FOR UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES AND TO ENFORCE TRADE AGREEMENTS.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of the United States Trade Representative $5,230,000, to remain available until expended, for—

(1) analyzing and developing opportunities for businesses in the United States to access the markets of foreign countries; and

(2) enforcing trade agreements to which the United States is a party.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated under subsection (a), the United States Trade Representative shall—

(1) give preference to those initiatives that the United States Trade Representative determines will create or sustain the greatest number of jobs in the United States or result in the greatest benefit to the economy of the United States; and

(2) consider the needs of small- and medium-sized businesses in the United States with respect to—

(A) accessing the markets of foreign countries; and

(B) the enforcement of trade agreements to which the United States is a party.

PART IV—PROMOTING SMALL BUSINESS FAIRNESS

SEC. 2041. LIMITATION ON PENALTY FOR FAILURE TO DISCLOSE REPORTABLE TRANSACTIONS BASED ON RESULTING TAX BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 6707A of the Internal Revenue Code of 1986 is amended to read as follows:

''(b) AMOUNT OF PENALTY.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the amount of the penalty under subsection (a) with respect to any reportable transaction shall be 75 percent of the decrease in tax shown on the return as a result of such transaction (or which would have resulted from such transaction if such transaction were respected for Federal tax purposes).

''(2) MAXIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any reportable transaction shall not exceed—

''(A) in the case of a listed transaction, $200,000 ($100,000 in the case of a natural person), or

''(B) in the case of any other reportable transaction, $50,000 ($10,000 in the case of a natural person).

''(3) MINIMUM PENALTY.—The amount of the penalty under subsection (a) with respect to any transaction shall not be less than $10,000 ($5,000 in the case of a natural person).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to penalties assessed after December 31, 2006.

SEC. 2042. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES IN 2010.

(a) IN GENERAL.—Paragraph (4) of section 162(l) of the Internal Revenue Code of 1986 is amended by inserting ''for taxable years beginning before January 1, 2010, or after December 31, 2010'' before the period.

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

SEC. 2043. REMOVAL OF CELLULAR TELEPHONES AND SIMILAR TELECOMMUNICATIONS EQUIPMENT FROM LISTED PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 280F(d)(4) of the Internal Revenue Code of 1986 (defining listed property) is amended by adding ''and'' at the end of clause (iv), by striking clause (v), and by redesignating clause (vi) as clause (v).

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

Subtitle B—Revenue Provisions

PART I—REDUCING THE TAX GAP

SEC. 2101. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986, as amended by section 9006 of the Patient Protection and Affordable Care Act, is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—Solely for purposes of subsection (a) and except as provided in paragraph (2), a person receiving rental income from real estate shall be considered to be engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual, including any individual who is an active member of the uniformed services or an employee of the intelligence community (as defined in section 121(d)(9)(C)(iv)), if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(B) any individual who receives rental income of not more than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(C) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made after December 31, 2010.

SEC. 2102. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 of the Internal Revenue Code of 1986 are each amended by striking ''$50'' and inserting ''$100''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 of such Code are each amended by striking ''$250,000'' and inserting ''$1,500,000''.

(b) REDUCTION WHERE CORRECTION WITHIN 30 DAYS.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''$15'' and inserting ''$30''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 of such Code are each amended by striking ''$75,000'' and inserting ''$250,000''.

(c) REDUCTION WHERE CORRECTION ON OR BEFORE AUGUST 1.—

(1) IN GENERAL.—Subparagraph (A) of section 6721(b)(2) of the Internal Revenue Code of 1986 is amended by striking ''$30'' and inserting ''$60''.

(2) AGGREGATE ANNUAL LIMITATION.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721 of such Code are each amended by striking ''$150,000'' and inserting ''$500,000''.

(d) AGGREGATE ANNUAL LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

(1) IN GENERAL.—Paragraph (1) of section 6721(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$100,000'' in subparagraph (A) and inserting ''$500,000'',

(B) by striking ''$25,000'' in subparagraph (B) and inserting ''$75,000'', and

(C) by striking ''$50,000'' in subparagraph (C) and inserting ''$200,000''.

(2) TECHNICAL AMENDMENT.—Paragraph (1) of section 6721(d) of such Code is amended by striking ''such taxable year'' and inserting ''such calendar year''.

(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Paragraph (2) of section 6721(e) of the Internal Revenue Code of 1986 is amended by striking ''$100'' and inserting ''$250''.

(f) ADJUSTMENT FOR INFLATION.—Section 6721 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d) (other than paragraph (2)(A) thereof), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(g) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—Section 6722 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6722. FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.

''(a) IMPOSITION OF PENALTY.—

''(1) GENERAL RULE.—In the case of each failure described in paragraph (2) by any person with respect to a payee statement, such person shall pay a penalty of $100 for each statement with respect to which such a failure occurs, but the total amount imposed on such person for all such failures during any calendar year shall not exceed $1,500,000.

''(2) FAILURES SUBJECT TO PENALTY.—For purposes of paragraph (1), the failures described in this paragraph are—

''(A) any failure to furnish a payee statement on or before the date prescribed therefor to the person to whom such statement is required to be furnished, and

''(B) any failure to include all of the information required to be shown on a payee statement or the inclusion of incorrect information.

''(b) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

''(1) CORRECTION WITHIN 30 DAYS.—If any failure described in subsection (a)(2) is corrected on or before the day 30 days after the required filing date—

''(A) the penalty imposed by subsection (a) shall be $30 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during any calendar year which are so corrected shall not exceed $250,000.

''(2) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—If any failure described in subsection (a)(2) is corrected after the 30th day referred to in paragraph (1) but on or before August 1 of the calendar year in which the required filing date occurs—

''(A) the penalty imposed by subsection (a) shall be $60 in lieu of $100, and

''(B) the total amount imposed on the person for all such failures during the calendar year which are so corrected shall not exceed $500,000.

''(c) EXCEPTION FOR DE MINIMIS FAILURES.—

''(1) IN GENERAL.—If—

''(A) a payee statement is furnished to the person to whom such statement is required to be furnished,

''(B) there is a failure described in subsection (a)(2)(B) (determined after the application of section 6724(a)) with respect to such statement, and

''(C) such failure is corrected on or before August 1 of the calendar year in which the required filing date occurs,

for purposes of this section, such statement shall be treated as having been furnished with all of the correct required information.

''(2) LIMITATION.—The number of payee statements to which paragraph (1) applies for any calendar year shall not exceed the greater of—

''(A) 10, or

''(B) one-half of 1 percent of the total number of payee statements required to be filed by the person during the calendar year.

''(d) LOWER LIMITATIONS FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—

''(1) IN GENERAL.—If any person meets the gross receipts test of paragraph (2) with respect to any calendar year, with respect to failures during such calendar year—

''(A) subsection (a)(1) shall be applied by substituting '$500,000' for '$1,500,000',

''(B) subsection (b)(1)(B) shall be applied by substituting '$75,000' for '$250,000', and

''(C) subsection (b)(2)(B) shall be applied by substituting '$200,000' for '$500,000'.

''(2) GROSS RECEIPTS TEST.—A person meets the gross receipts test of this paragraph if such person meets the gross receipts test of section 6721(d)(2).

''(e) PENALTY IN CASE OF INTENTIONAL DISREGARD.—If 1 or more failures to which subsection (a) applies are due to intentional disregard of the requirement to furnish a payee statement (or the correct information reporting requirement), then, with respect to each such failure—

''(1) subsections (b), (c), and (d) shall not apply,

''(2) the penalty imposed under subsection (a)(1) shall be $250, or, if greater—

''(A) in the case of a payee statement other than a statement required under section 6045(b), 6041A(e) (in respect of a return required under section 6041A(b)), 6050H(d), 6050J(e), 6050K(b), or 6050L(c), 10 percent of the aggregate amount of the items required to be reported correctly, or

''(B) in the case of a payee statement required under section 6045(b), 6050K(b), or 6050L(c), 5 percent of the aggregate amount of the items required to be reported correctly, and

''(3) in the case of any penalty determined under paragraph (2)—

''(A) the $1,500,000 limitation under subsection (a) shall not apply, and

''(B) such penalty shall not be taken into account in applying such limitation to penalties not determined under paragraph (2).

''(f) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—For each fifth calendar year beginning after 2012, each of the dollar amounts under subsections (a), (b), (d)(1), and (e) shall be increased by such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount adjusted under paragraph (1)—

''(A) is not less than $75,000 and is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500, and

''(B) is not described in subparagraph (A) and is not a multiple of $10, such amount shall be rounded to the next lowest multiple of $10.''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2011.

SEC. 2103. REPORT ON TAX SHELTER PENALTIES AND CERTAIN OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—The Commissioner of Internal Revenue, in consultation with the Secretary of the Treasury, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate an annual report on the penalties assessed by the Internal Revenue Service during the preceding year under each of the following provisions of the Internal Revenue Code of 1986:

(1) Section 6662A (relating to accuracy-related penalty on understatements with respect to reportable transactions).

(2) Section 6700(a) (relating to promoting abusive tax shelters).

(3) Section 6707 (relating to failure to furnish information regarding reportable transactions).

(4) Section 6707A (relating to failure to include reportable transaction information with return).

(5) Section 6708 (relating to failure to maintain lists of advisees with respect to reportable transactions).

(b) ADDITIONAL INFORMATION.—The report required under subsection (a) shall also include information on the following with respect to each year:

(1) Any action taken under section 330(b) of title 31, United States Code, with respect to any reportable transaction (as defined in section 6707A(c) of the Internal Revenue Code of 1986).

(2) Any extension of the time for assessment of tax enforced, or assessment of any amount under such an extension, under paragraph (10) of section 6501(c) of the Internal Revenue Code of 1986.

(c) DATE OF REPORT.—The first report required under subsection (a) shall be submitted not later than December 31, 2010.

SEC. 2104. APPLICATION OF CONTINUOUS LEVY TO TAX LIABILITIES OF CERTAIN FEDERAL CONTRACTORS.

(a) IN GENERAL.—Subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (2), by inserting ''or'' at the end of paragraph (3), and by inserting after paragraph (3) the following new paragraph:

''(4) the Secretary has served a Federal contractor levy,''.

(b) FEDERAL CONTRACTOR LEVY.—Subsection (h) of section 6330 of the Internal Revenue Code of 1986 is amended—

(1) by striking all that precedes ''any levy in connection with the collection'' and inserting the following:

''(h) DEFINITIONS RELATED TO EXCEPTIONS.—For purposes of subsection (f)—

''(1) DISQUALIFIED EMPLOYMENT TAX LEVY.—A disqualified employment tax levy is''; and

(2) by adding at the end the following new paragraph:

''(2) FEDERAL CONTRACTOR LEVY.—A Federal contractor levy is any levy if the person whose property is subject to the levy (or any predecessor thereof) is a Federal contractor.''.

(c) CONFORMING AMENDMENT.—The heading of subsection (f) of section 6330 of the Internal Revenue Code of 1986 is amended by striking ''JEOPARDY AND STATE REFUND COLLECTION'' and inserting ''EXCEPTIONS''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued after the date of the enactment of this Act.

PART II—PROMOTING RETIREMENT PREPARATION

SEC. 2111. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

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

SEC. 2112. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO DESIGNATED ROTH ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) COORDINATION WITH LIMIT.—Any distribution to which this paragraph applies shall not be taken into account for purposes of paragraph (1).

''(D) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 2113. SPECIAL RULES FOR ANNUITIES RECEIVED FROM ONLY A PORTION OF A CONTRACT.

(a) IN GENERAL.—Subsection (a) of section 72 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) GENERAL RULES FOR ANNUITIES.—

''(1) INCOME INCLUSION.—Except as otherwise provided in this chapter, gross income includes any amount received as an annuity (whether for a period certain or during one or more lives) under an annuity, endowment, or life insurance contract.

''(2) PARTIAL ANNUITIZATION.—If any amount is received as an annuity for a period of 10 years or more or during one or more lives under any portion of an annuity, endowment, or life insurance contract—

''(A) such portion shall be treated as a separate contract for purposes of this section,

''(B) for purposes of applying subsections (b), (c), and (e), the investment in the contract shall be allocated pro rata between each portion of the contract from which amounts are received as an annuity and the portion of the contract from which amounts are not received as an annuity, and

''(C) a separate annuity starting date under subsection (c)(4) shall be determined with respect to each portion of the contract from which amounts are received as an annuity.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received in taxable years beginning after December 31, 2010.

PART III—CLOSING UNINTENDED LOOPHOLES

SEC. 2121. CRUDE TALL OIL INELIGIBLE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Clause (iii) of section 40(b)(6)(E) of the Internal Revenue Code of 1986, as added by the Health Care and Education Reconciliation Act of 2010, is amended—

(1) by striking ''or'' at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting '', or'',

(3) by adding at the end the following new subclause:

''(III) such fuel has an acid number greater than 25.'', and

(4) by striking ''UNPROCESSED'' in the heading and inserting ''CERTAIN''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels sold or used on or after January 1, 2010.

SEC. 2122. SOURCE RULES FOR INCOME ON GUARANTEES.

(a) AMOUNTS SOURCED WITHIN THE UNITED STATES.—Subsection (a) of section 861 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) GUARANTEES.—Amounts received, directly or indirectly, from—

''(A) a noncorporate resident or domestic corporation for the provision of a guarantee of any indebtedness of such resident or corporation, or

''(B) any foreign person for the provision of a guarantee of any indebtedness of such person, if such amount is connected with income which is effectively connected (or treated as effectively connected) with the conduct of a trade or business in the United States.''.

(b) AMOUNTS SOURCED WITHOUT THE UNITED STATES.—Subsection (a) of section 862 of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ''; and'', and by adding at the end the following new paragraph:

''(9) amounts received, directly or indirectly, from a foreign person for the provision of a guarantee of indebtedness of such person other than amounts which are derived from sources within the United States as provided in section 861(a)(9).''.

(c) CONFORMING AMENDMENT.—Clause (ii) of section 864(c)(4)(B) of the Internal Revenue Code of 1986 is amended by striking ''dividends or interest'' and inserting ''dividends, interest, or amounts received for the provision of guarantees of indebtedness''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees issued after the date of the enactment of this Act.

PART IV—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

SEC. 2131. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 36 percentage points.

TITLE III—STATE SMALL BUSINESS CREDIT INITIATIVE

SEC. 3001. SHORT TITLE.

This title may be cited as the ''State Small Business Credit Initiative Act of 2010''.

SEC. 3002. DEFINITIONS.

In this title, the following definitions shall apply:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency''—

(A) has the same meaning as in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)); and

(B) includes the National Credit Union Administration Board in the case of any credit union the deposits of which are insured in accordance with the Federal Credit Union Act.

(3) ENROLLED LOAN.—The term ''enrolled loan'' means a loan made by a financial institution lender that is enrolled by a participating State in an approved State capital access program in accordance with this title.

(4) FEDERAL CONTRIBUTION.—The term ''Federal contribution'' means the portion of the contribution made by a participating State to, or for the account of, an approved State program that is made with Federal funds allocated to the State by the Secretary under section 3003.

(5) FINANCIAL INSTITUTION.—The term ''financial institution'' means any insured depository institution, insured credit union, or community development financial institution, as those terms are each defined in section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702)

(6) PARTICIPATING STATE.—The term ''participating State'' means any State that has been approved for participation in the Program under section 3004.

(7) PROGRAM.—The term ''Program'' means the State Small Business Credit Initiative established under this title.

(8) QUALIFYING LOAN OR SWAP FUNDING FACILITY.—The term ''qualifying loan or swap funding facility'' means a contractual arrangement between a participating State and a private financial entity under which—

(A) the participating State delivers funds to the entity as collateral;

(B) the entity provides funding from the arrangement back to the participating State; and

(C) the full amount of resulting funding from the arrangement, less any fees and other costs of the arrangement, is contributed to, or for the account of, an approved State program.

(9) RESERVE FUND.—The term ''reserve fund'' means a fund, established by a participating State, dedicated to a particular financial institution lender, for the purposes of—

(A) depositing all required premium charges paid by the financial institution lender and by each borrower receiving a loan under an approved State program from that financial institution lender;

(B) depositing contributions made by the participating State, including State contributions made with Federal contributions; and

(C) covering losses on enrolled loans by disbursing accumulated funds.

(10) STATE.—The term ''State'' means—

(A) a State of the United States;

(B) the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands;

(C) when designated by a State of the United States, a political subdivision of that State that the Secretary determines has the capacity to participate in the Program; and

(D) under the circumstances described in section 3004(d), a municipality of a State of the United States to which the Secretary has given a special permission under section 3004(d).

(11) STATE CAPITAL ACCESS PROGRAM.—The term ''State capital access program'' means a program of a State that—

(A) uses public resources to promote private access to credit; and

(B) meets the eligibility criteria in section 3005(c).

(12) STATE OTHER CREDIT SUPPORT PROGRAM.—The term ''State other credit support program''—

(A) means a program of a State that—

(i) uses public resources to promote private access to credit;

(ii) is not a State capital access program; and

(iii) meets the eligibility criteria in section 3006(c); and

(B) includes, collateral support programs, loan participation programs, State-run venture capital fund programs, and credit guarantee programs.

(13) STATE PROGRAM.—The term ''State program'' means a State capital access program or a State other credit support program.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

SEC. 3003. FEDERAL FUNDS ALLOCATED TO STATES.

(a) PROGRAM ESTABLISHED; PURPOSE.—There is established the State Small Business Credit Initiative, to be administered by the Secretary. Under the Program, the Secretary shall allocate Federal funds to participating States and make the allocated funds available to the participating States as provided in this section for the uses described in this section.

(b) ALLOCATION FORMULA.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to the average of the respective amounts that the State—

(A) would receive under the 2009 allocation, as determined under paragraph (2); and

(B) would receive under the 2010 allocation, as determined under paragraph (3).

(2) 2009 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2009 allocation by allocating Federal funds among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all States.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2008 STATE EMPLOYMENT DECLINE DEFINED.—In this paragraph and with respect to

a State, the term ''2008 State employment decline'' means the excess (if any) of—

(i) the number of individuals employed in such State determined for December 2007; over

(ii) the number of individuals employed in such State determined for December 2008.

(3) 2010 ALLOCATION FORMULA.—

(A) IN GENERAL.—The Secretary shall determine the 2010 allocation by allocating Federal funds 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.

(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the Federal funds.

(C) 2009 UNEMPLOYMENT NUMBER DEFINED.—In this paragraph and with respect to a State, the term ''2009 unemployment number'' means the number of individuals within such State who were determined to be unemployed by the Bureau of Labor Statistics for December 2009.

(c) AVAILABILITY OF ALLOCATED AMOUNT.—The amount allocated by the Secretary to each participating State under subsection (b) shall be made available to the State as follows:

(1) ALLOCATED AMOUNT GENERALLY TO BE AVAILABLE TO STATE IN ONE-THIRDS.—

(A) IN GENERAL.—The Secretary shall—

(i) apportion the participating State's allocated amount into thirds;

(ii) transfer to the participating State the first ⅓ when the Secretary approves the State for participation under section 3004; and

(iii) transfer to the participating State each successive ⅓ when the State has certified to the Secretary that it has expended, transferred, or obligated 80 percent of the last transferred ⅓ for Federal contributions to, or for the account of, State programs.

(B) AUTHORITY TO WITHHOLD PENDING AUDIT.—The Secretary may withhold the transfer of any successive ⅓ pending results of a financial audit.

(C) INSPECTOR GENERAL AUDITS.—

(i) IN GENERAL.—The Inspector General of the Department of the Treasury shall carry out an audit of the participating State's use of allocated Federal funds transferred to the State.

(ii) RECOUPMENT OF MISUSED TRANSFERRED FUNDS REQUIRED.—The allocation agreement between the Secretary and the participating State shall provide that the Secretary shall recoup any allocated Federal funds transferred to the participating State if the results of the an audit include a finding that there was an intentional or reckless misuse of transferred funds by the State.

(iii) PENALTY FOR MISSTATEMENT.—Any participating State that is found to have intentionally misstated any report issued to the Secretary under the Program shall be ineligible to receive any additional funds under the Program. Funds that had been allocated or that would otherwise have been allocated to such participating State shall be paid into the general fund of the Treasury for reduction of the public debt.

(iv) MUNICIPALITIES.—In this subparagraph, the term ''participating State'' shall include a municipality given special permission to participate in the Program, under section 3004(d).

(D) EXCEPTION.—The Secretary may, in the Secretary's discretion, transfer the full amount of the participating State's allocated amount to the State in a single transfer if the participating State applies to the Secretary for approval to use the full amount of the allocation as collateral for a qualifying loan or swap funding facility.

(2) TRANSFERRED AMOUNTS.—Each amount transferred to a participating State under this section shall remain available to the State until used by the State as permitted under paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—Each participating State may use funds transferred to it under this section only—

(A) for making Federal contributions to, or for the account of, an approved State program;

(B) as collateral for a qualifying loan or swap funding facility;

(C) in the case of the first ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of that first ⅓; or

(D) in the case of each successive ⅓ transferred, for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 3 percent of that successive ⅓.

(4) TERMINATION OF AVAILABILITY OF AMOUNTS NOT TRANSFERRED WITHIN 2 YEARS OF PARTICIPATION.—Any portion of a participating State's allocated amount that has not been transferred to the State under this section by the end of the 2-year period beginning on the date that the Secretary approves the State for participation may be deemed by the Secretary to be no longer allocated to the State and no longer available to the State and shall be returned to the General Fund of the Treasury.

(5) TRANSFERRED AMOUNTS NOT ASSISTANCE.—The amounts transferred to a participating State under this section shall not be considered assistance for purposes of subtitle V of title 31, United States Code.

(6) DEFINITIONS.—In this section—

(A) the term ''allocated amount'' means the total amount of Federal funds allocated by the Secretary under subsection (b) to the participating State; and

(B) the term ''⅓'' means—

(i) in the case of the first ⅓ and second ⅓, an amount equal to 33 percent of a participating State's allocated amount; and

(ii) in the case of the last ⅓, an amount equal to 34 percent of a participating State's allocated amount.

SEC. 3004. APPROVING STATES FOR PARTICIPATION.

(a) APPLICATION.—Any State may apply to the Secretary for approval to be a participating State under the Program and to be eligible for an allocation of Federal funds under the Program.

(b) GENERAL APPROVAL CRITERIA.—The Secretary shall approve a State to be a participating State, if—

(1) a specific department, agency, or political subdivision of the State has been designated to implement a State program and participate in the Program;

(2) all legal actions necessary to enable such designated department, agency, or political subdivision to implement a State program and participate in the Program have been accomplished;

(3) the State has filed an application with the Secretary for approval of a State capital access program under section 3005 or approval as a State other credit support program under section 3006, in each case within the time period provided in the respective section; and

(4) the State and the Secretary have executed an allocation agreement that—

(A) conforms to the requirements of this title;

(B) ensures that the State program complies with such national standards as are established by the Secretary under section 3009(a)(2);

(C) sets forth internal control, compliance, and reporting requirements as established by the Secretary, and such other terms and conditions necessary to carry out the purposes of this title, including an agreement by the State to allow the Secretary to audit State programs;

(D) requires that the State program be fully positioned, within 90 days of the State's execution of the allocation agreement with the Secretary, to act on providing the kind of credit support that the State program was established to provide; and

(E) includes an agreement by the State to deliver to the Secretary, and update annually, a schedule describing how the State intends to apportion among its State programs the Federal funds allocated to the State.

(c) CONTRACTUAL ARRANGEMENTS FOR IMPLEMENTATION OF STATE PROGRAMS.—A State may be approved to be a participating State, and be eligible for an allocation of Federal funds under the Program, if the State has contractual arrangements for the implementation and administration of its State program with—

(1) an existing, approved State program administered by another State; or

(2) an authorized agent of, or entity supervised by, the State, including for-profit and not-for-profit entities.

(d) SPECIAL PERMISSION.—

(1) CIRCUMSTANCES WHEN A MUNICIPALITY MAY APPLY DIRECTLY.—If a State does not, within 60 days after the date of enactment of this Act, file with the Secretary a notice of its intent to apply for approval by the Secretary of a State program or within 9 months after the date of enactment of this Act, file with the Secretary a complete application for approval of a State program, the Secretary may grant to municipalities of that State a special permission that will allow them to apply directly to the Secretary without the State for approval to be participating municipalities.

(2) TIMING REQUIREMENTS APPLICABLE TO MUNICIPALITIES APPLYING DIRECTLY.—To qualify for the special permission, a municipality of a State shall be required, within 12 months after the date of enactment of this Act, to file with the Secretary a complete application for approval by the Secretary of a State program.

(3) NOTICES OF INTENT AND APPLICATIONS FROM MORE THAN 1 MUNICIPALITY.—A municipality of a State may combine with 1 or more other municipalities of that State to file a joint notice of intent to file and a joint application.

(4) APPROVAL CRITERIA.—The general approval criteria in paragraphs (2) and (4) shall apply.

(5) ALLOCATION TO MUNICIPALITIES.—

(A) IF MORE THAN 3.—If more than 3 municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to the 3 municipalities with the largest populations.

(B) IF 3 OR FEWER.—If 3 or fewer municipalities, or combination of municipalities as provided in paragraph (3), of a State apply for approval by the Secretary to be participating municipalities under this subsection, and the applications meet the approval criteria in paragraph (4), the Secretary shall allocate Federal funds to each applicant municipality or combination of municipalities.

(6) APPORTIONMENT OF ALLOCATED AMOUNT AMONG PARTICIPATING MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall apportion the

full amount of the Federal funds that are allocated to that State to municipalities that are approved under this subsection in amounts proportionate to the population of those municipalities, based on the most recent available decennial census.

(7) APPROVING STATE PROGRAMS FOR MUNICIPALITIES.—If the Secretary approves municipalities to be participating municipalities under this subsection, the Secretary shall take into account the additional considerations in section 3006(d) in making the determination under section 3005 or 3006 that the State program or programs to be implemented by the participating municipalities, including a State capital access program, is eligible for Federal contributions to, or for the account of, the State program.

SEC. 3005. APPROVING STATE CAPITAL ACCESS PROGRAMS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, State capital access program that meets the eligibility criteria in subsection (c) may apply to Secretary to have the State capital access program approved as eligible for Federal contributions to the reserve fund.

(b) APPROVAL.—The Secretary shall approve such State capital access program as eligible for Federal contributions to the reserve fund if—

(1) within 60 days after the date of enactment of this Act, the State has filed with the Secretary a notice of intent to apply for approval by the Secretary of a State capital access program;

(2) within 9 months after the date of enactment of this Act, the State has filed with the Secretary a complete application for approval by the Secretary of a capital access program;

(3) the State satisfies the requirements of subsections (a) and (b) of section 3004; and

(4) the State capital access program meets the eligibility criteria in subsection (c).

(c) ELIGIBILITY CRITERIA FOR STATE CAPITAL ACCESS PROGRAMS.—For a State capital access program to be approved under this section, that program shall be required to be a program of the State that—

(1) provides portfolio insurance for business loans based on a separate loan-loss reserve fund for each financial institution;

(2) requires insurance premiums to be paid by the financial institution lenders and by the business borrowers to the reserve fund to have their loans enrolled in the reserve fund;

(3) provides for contributions to be made by the State to the reserve fund in amounts at least equal to the sum of the amount of the insurance premium charges paid by the borrower and the financial institution to the reserve fund for any newly enrolled loan; and

(4) provides its portfolio insurance solely for loans that meet both the following requirements:

(A) The borrower has 500 employees or less at the time that the loan is enrolled in the Program.

(B) The loan amount does not exceed $5,000,000.

(d) FEDERAL CONTRIBUTIONS TO APPROVED STATE CAPITAL ACCESS PROGRAMS.—A State capital access program approved under this section will be eligible for receiving Federal contributions to the reserve fund in an amount equal to the sum of the amount of the insurance premium charges paid by the borrowers and by the financial institution to the reserve fund for loans that meet the requirements in subsection (c)(4). A participating State may use the Federal contribution to make its contribution to the reserve fund of an approved State capital access program.

(e) MINIMUM PROGRAM REQUIREMENTS FOR STATE CAPITAL ACCESS PROGRAMS.—The Secretary shall, by regulation or other guidance, prescribe Program requirements that meet the following minimum requirements:

(1) EXPERIENCE AND CAPACITY.—The participating State shall determine for each financial institution that participates in the State capital access program, after consultation with the appropriate Federal banking agency or, in the case of a financial institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, that the financial institution has sufficient commercial lending experience and financial and managerial capacity to participate in the approved State capital access program. The determination by the State shall not be reviewable by the Secretary.

(2) INVESTMENT AUTHORITY.—Subject to applicable State law, the participating State may invest, or cause to be invested, funds held in a reserve fund by establishing a deposit account at the financial institution lender in the name of the participating State. In the event that funds in the reserve fund are not deposited in such an account, such funds shall be invested in a form that the participating State determines is safe and liquid.

(3) LOAN TERMS AND CONDITIONS TO BE DETERMINED BY AGREEMENT.—A loan to be filed for enrollment in an approved State capital access program may be made with such interest rate, fees, and other terms and conditions, and the loan may be enrolled in the approved State capital access program and claims may be filed and paid, as agreed upon by the financial institution lender and the borrower, consistent with applicable law.

(4) LENDER CAPITAL AT-RISK.—A loan to be filed for enrollment in the State capital access program shall require the financial institution lender to have a meaningful amount of its own capital resources at risk in the loan.

(5) PREMIUM CHARGES MINIMUM AND MAXIMUM AMOUNTS.—The insurance premium charges payable to the reserve fund by the borrower and the financial institution lender shall be prescribed by the financial institution lender, within minimum and maximum limits that require that the sum of the insurance premium charges paid in connection with a loan by the borrower and the financial institution lender may not be less than 2 percent nor more than 7 percent of the amount of the loan enrolled in the approved State capital access program.

(6) STATE CONTRIBUTIONS.—In enrolling a loan in an approved State capital access program, the participating State may make a contribution to the reserve fund to supplement Federal contributions made under this Program.

(7) LOAN PURPOSE.—

(A) PARTICULAR LOAN PURPOSE REQUIREMENTS AND PROHIBITIONS.—In connection with the filing of a loan for enrollment in an approved State capital access program, the financial institution lender—

(i) shall obtain an assurance from each borrower that—

(I) the proceeds of the loan will be used for a business purpose;

(II) the loan will not be used to finance such business activities as the Secretary, by regulation, may proscribe as prohibited loan purposes for enrollment in an approved State capital access program; and

(III) the borrower is not—

(aa) an executive officer, director, or principal shareholder of the financial institution lender;

(bb) a member of the immediate family of an executive officer, director, or principal shareholder of the financial institution lender; or

(cc) a related interest of any such executive officer, director, principal shareholder, or member of the immediate family;

(ii) shall provide assurances to the participating State that the loan has not been made in order to place under the protection of the approved State capital access program prior debt that is not covered under the approved State capital access program and that is or was owed by the borrower to the financial institution lender or to an affiliate of the financial institution lender;

(iii) shall not allow the enrollment of a loan to a borrower that is a refinancing of a loan previously made to that borrower by the financial institution lender or an affiliate of the financial institution lender; and

(iv) may include additional restrictions on the eligibility of loans or borrowers that are not inconsistent with the provisions and purposes of this title, including compliance with all applicable Federal and State laws, regulations, ordinances, and Executive orders.

(B) DEFINITIONS.—In this paragraph, the terms ''executive officer'', ''director'', ''principal shareholder'', ''immediate family'', and ''related interest'' refer to the same relationship to a financial institution lender as the relationship described in part 215 of title 12 of the Code of Federal Regulations, or any successor to such part.

(8) CAPITAL ACCESS FOR SMALL BUSINESSES IN UNDERSERVED COMMUNITIES.—At the time that a State applies to the Secretary to have the State capital access program approved as eligible for Federal contributions, the State shall deliver to the Secretary a report stating how the State plans to use the Federal contributions to the reserve fund to provide access to capital for small businesses in low- and moderate-income, minority, and other underserved communities, including women- and minority-owned small businesses.

SEC. 3006. APPROVING COLLATERAL SUPPORT AND OTHER INNOVATIVE CREDIT ACCESS AND GUARANTEE INITIATIVES FOR SMALL BUSINESSES AND MANUFACTURERS.

(a) APPLICATION.—A participating State that establishes a new, or has an existing, credit support program that meets the eligibility criteria in subsection (c) may apply to the Secretary to have the State other credit support program approved as eligible for Federal contributions to, or for the account of, the State program.

(b) APPROVAL.—The Secretary shall approve such State other credit support program as eligible for Federal contributions to, or for the account of, the program if—

(1) the Secretary determines that the State satisfies the requirements of paragraphs (1) through (3) of section 3005(b);

(2) the Secretary determines that the State other credit support program meets the eligibility criteria in subsection (c);

(3) the Secretary determines the State other credit support program to be eligible based on the additional considerations in subsection (d); and

(4) within 9 months after the date of enactment of this Act, the State has filed with Treasury a complete application for Treasury approval.

(c) ELIGIBILITY CRITERIA FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—For a State other credit support program to be approved under this section, that program shall be required to be a program of the State that—

(1) can demonstrate that, at a minimum, $1 of public investment by the State program will cause and result in $1 of new private credit;

(2) can demonstrate a reasonable expectation that, when considered with all other State programs of the State, such State programs together have the ability to use amounts of new Federal contributions to, or

for the account of, all such programs in the State to cause and result in amounts of new small business lending at least 10 times the new Federal contribution amount;

(3) for those State other credit support programs that provide their credit support through 1 or more financial institution lenders, requires the financial institution lenders to have a meaningful amount of their own capital resources at risk in their small business lending; and

(4) uses Federal funds allocated under this title to extend credit support that—

(A) targets an average borrower size of 500 employees or less;

(B) does not extend credit support to borrowers that have more than 750 employees;

(C) targets support towards loans with an average principal amount of $5,000,000 or less; and

(D) does not extend credit support to loans that exceed a principal amount of $20,000,000.

(d) ADDITIONAL CONSIDERATIONS.—In making a determination that a State other credit support program is eligible for Federal contributions to, or for the account of, the State program, the Secretary shall take into account the following additional considerations:

(1) The anticipated benefits to the State, its businesses, and its residents to be derived from the Federal contributions to, or for the account of, the approved State other credit support program, including the extent to which resulting small business lending will expand economic opportunities.

(2) The operational capacity, skills, and experience of the management team of the State other credit support program.

(3) The capacity of the State other credit support program to manage increases in the volume of its small business lending.

(4) The internal accounting and administrative controls systems of the State other credit support program, and the extent to which they can provide reasonable assurance that funds of the State program are safeguarded against waste, loss, unauthorized use, or misappropriation.

(5) The soundness of the program design and implementation plan of the State other credit support program.

(e) FEDERAL CONTRIBUTIONS TO APPROVED STATE OTHER CREDIT SUPPORT PROGRAMS.—A State other credit support program approved under this section will be eligible for receiving Federal contributions to, or for the account of, the State program in an amount consistent with the schedule describing the apportionment of allocated Federal funds among State programs delivered by the State to the Secretary under the allocation agreement.

(f) MINIMUM PROGRAM REQUIREMENTS FOR STATE OTHER CREDIT SUPPORT PROGRAMS.—

(1) FUND TO PRESCRIBE.—The Secretary shall, by regulation or other guidance, prescribe Program requirements for approved State other credit support programs.

(2) CONSIDERATIONS FOR FUND.—In prescribing minimum Program requirements for approved State other credit support programs, the Secretary shall take into consideration, to the extent the Secretary determines applicable and appropriate, the minimum Program requirements for approved State capital access programs in section 3005(e).

SEC. 3007. REPORTS.

(a) QUARTERLY USE-OF-FUNDS REPORT.—

(1) IN GENERAL.—Not later than 30 days after the beginning of each calendar quarter, beginning after the first full calendar quarter to occur after the date the Secretary approves a State for participation, the participating State shall submit to the Secretary a report on the use of Federal funding by the participating State during the previous calendar quarter.

(2) REPORT CONTENTS.—Each report under this subsection shall—

(A) indicate the total amount of Federal funding used by the participating State; and

(B) include a certification by the participating State that—

(i) the information provided in accordance with subparagraph (A) is accurate;

(ii) funds continue to be available and legally committed to contributions by the State to, or for the account of, approved State programs, less any amount that has been contributed by the State to, or for the account of, approved State programs subsequent to the State being approved for participation in the Program; and

(iii) the participating State is implementing its approved State program or programs in accordance with this title and regulations issued under section 3010.

(b) ANNUAL REPORT.—Not later than March 31 of each year, beginning March 31, 2011, each participating State shall submit to the Secretary an annual report that shall include the following information:

(1) The number of borrowers that received new loans originated under the approved State program or programs after the State program was approved as eligible for Federal contributions.

(2) The total amount of such new loans.

(3) Breakdowns by industry type, loan size, annual sales, and number of employees of the borrowers that received such new loans.

(4) The zip code of each borrower that received such a new loan.

(5) Such other data as the Secretary, in the Secretary's sole discretion, may require to carry out the purposes of the Program.

(c) FORM.—The reports and data filed under subsections (a) and (b) shall be in such form as the Secretary, in the Secretary's sole discretion, may require.

(d) TERMINATION OF REPORTING REQUIREMENTS.—The requirement to submit reports under subsections (a) and (b) shall terminate for a participating State with the submission of the completed reports due on the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State.

SEC. 3008. REMEDIES FOR STATE PROGRAM TERMINATION OR FAILURES.

(a) REMEDIES.—

(1) IN GENERAL.—If any of the events listed in paragraph (2) occur, the Secretary, in the Secretary's discretion, may—

(A) reduce the amount of Federal funds allocated to the State under the Program; or

(B) terminate any further transfers of allocated amounts that have not yet been transferred to the State.

(2) CAUSAL EVENTS.—The events referred to in paragraph (1) are—

(A) termination by a participating State of its participation in the Program;

(B) failure on the part of a participating State to submit complete reports under section 3007 on a timely basis; or

(C) noncompliance by the State with the terms of the allocation agreement between the Secretary and the State.

(b) DEALLOCATED AMOUNTS TO BE REALLOCATED.—If, after 13 months, any portion of the amount of Federal funds allocated to a participating State is deemed by the Secretary to be no longer allocated to the State after actions taken by the Secretary under subsection (a)(1), the Secretary shall reallocate that portion among the participating States, excluding the State whose allocated funds were deemed to be no longer allocated, as provided in section 3003(b).

SEC. 3009. IMPLEMENTATION AND ADMINISTRATION.

(a) GENERAL AUTHORITIES AND DUTIES.—The Secretary shall—

(1) consult with the Administrator of the Small Business Administration and the appropriate Federal banking agencies on the administration of the Program;

(2) establish minimum national standards for approved State programs;

(3) provide technical assistance to States for starting State programs and generally disseminate best practices;

(4) manage, administer, and perform necessary program integrity functions for the Program; and

(5) ensure adequate oversight of the approved State programs, including oversight of the cash flows, performance, and compliance of each approved State program.

(b) APPROPRIATIONS.—There is hereby appropriated to the Secretary, out of funds in the Treasury not otherwise appropriated, $1,500,000,000 to carry out the Program, including to pay reasonable costs of administering the Program.

(c) TERMINATION OF SECRETARY'S PROGRAM ADMINISTRATION FUNCTIONS.—The authorities and duties of the Secretary to implement and administer the Program shall terminate at the end of the 7-year period beginning on the date of enactment of this Act.

(d) EXPEDITED CONTRACTING.—During the 1-year period beginning on the date of enactment of this Act, the Secretary may enter into contracts without regard to any other provision of law regarding public contracts, for purposes of carrying out this title.

SEC. 3010. REGULATIONS.

The Secretary, in consultation with the Administrator of the Small Business Administration, shall issue such regulations and other guidance as the Secretary determines necessary or appropriate to implement this title including to define terms, to establish compliance and reporting requirements, and such other terms and conditions necessary to carry out the purposes of this title.

SEC. 3011. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the use of funds made available under the Program.

(b) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(c) REQUIRED CERTIFICATION.—

(1) FINANCIAL INSTITUTIONS CERTIFICATION.—With respect to funds received by a participating State under the Program, any financial institution that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in section 5312 (a)(2) and (c)(1)(A) of title 31, United States Code, to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) SEX OFFENSE CERTIFICATION.—With respect to funds received by a participating State under the Program, any private entity that receives a loan, a loan guarantee, or other financial assistance using such funds after the date of the enactment of this Act shall certify to the participating State that the principals of such entity have not been convicted of a sex offense against a minor (as

such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(d) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this title may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

TITLE IV—BUDGETARY PROVISIONS

SEC. 4001. 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.

SA 4500. Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) proposed an amendment to amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, add the following:

TITLE V—ADDITIONAL SMALL BUSINESS PROVISIONS

Subtitle A—Small Business Lending Fund

SEC. 5101. PURPOSE.

The purpose of this subtitle is to address the ongoing effects of the financial crisis on small businesses by providing temporary authority to the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses.

SEC. 5102. DEFINITIONS.

For purposes of this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Small Business and Entrepreneurship, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Banking, Housing, and Urban Affairs, the Committee on Finance, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(B) the Committee on Small Business, the Committee on Agriculture, the Committee on Financial Services, the Committee on Ways and Means, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

(2) APPROPRIATE FEDERAL BANKING AGENCY.—The term ''appropriate Federal banking agency'' has the meaning given such term under section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)).

(3) BANK HOLDING COMPANY.—The term ''bank holding company'' has the meaning given such term under section 2(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(1)).

(4) CALL REPORT.—The term ''call report'' means—

(A) reports of Condition and Income submitted to the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation;

(B) the Office of Thrift Supervision Thrift Financial Report;

(C) any report that is designated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the Office of Thrift Supervision, as applicable, as a successor to any report referred to in subparagraph (A) or (B);

(D) reports of Condition and Income as designated through guidance developed by the Secretary, in consultation with the Director of the Community Development Financial Institutions Fund; and

(E) with respect to an eligible institution for which no report exists that is described under subparagraph (A), (B), (C), or (D), such other report or set of information as the Secretary, in consultation with the Administrator of the Small Business Administration, may prescribe.

(5) CDCI.—The term ''CDCI'' means the Community Development Capital Initiative created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(6) CDCI INVESTMENT.—The term ''CDCI investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CDCI that has not been repaid.

(7) CDFI; COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The terms ''CDFI'' and ''community development financial institution'' have the meaning given the term ''community development financial institution'' under the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) CDLF; COMMUNITY DEVELOPMENT LOAN FUND.—The terms ''CDLF'' and ''community development loan fund'' mean any entity that—

(A) is certified by the Department of the Treasury as a community development financial institution loan fund;

(B) is exempt from taxation under the Internal Revenue Code of 1986; and

(C) had assets less than or equal to $10,000,000,000 as of the end of the fourth quarter of calendar year 2009.

(9) CPP.—The term ''CPP'' means the Capital Purchase Program created by the Secretary under the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008.

(10) CPP INVESTMENT.—The term ''CPP investment'' means, with respect to any eligible institution, the principal amount of any investment made by the Secretary in such eligible institution under the CPP that has not been repaid.

(11) ELIGIBLE INSTITUTION.—The term ''eligible institution'' means—

(A) any insured depository institution, which—

(i) is not controlled by a bank holding company or savings and loan holding company that is also an eligible institution;

(ii) has total assets of equal to or less than $10,000,000,000, as reported in the call report of the insured depository institution as of the end of the fourth quarter of calendar year 2009; and

(iii) is not directly or indirectly controlled by any company or other entity that has total consolidated assets of more than $10,000,000,000, as so reported;

(B) any bank holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the bank holding company as of the end of the fourth quarter of calendar year 2009;

(C) any savings and loan holding company which has total consolidated assets of equal to or less than $10,000,000,000, as reported in the call report of the savings and loan holding company as of the end of the fourth quarter of calendar year 2009; and

(D) any community development financial institution loan fund which has total assets of equal to or less than $10,000,000,000, as reported in audited financial statements for the fiscal year of the community development financial institution loan fund that ends in calendar year 2009.

(12) FUND.—The term ''Fund'' means the Small Business Lending Fund established under section 5103(a)(1).

(13) INSURED DEPOSITORY INSTITUTION.—The term ''insured depository institution'' has the meaning given such term under section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)).

(14) MINORITY-OWNED AND WOMEN-OWNED BUSINESS.—The terms ''minority-owned business'' and ''women-owned business'' shall have the meaning given the terms ''minority-owned business'' and ''women's business'', respectively, under section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441A(r)(4)).

(15) PROGRAM.—The term ''Program'' means the Small Business Lending Fund Program authorized under section 5103(a)(2).

(16) SAVINGS AND LOAN HOLDING COMPANY.—The term ''savings and loan holding company'' has the meaning given such term under section 10(a)(1)(D) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(1)(D)).

(17) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(18) SMALL BUSINESS LENDING.—

(A) IN GENERAL.—The term ''small business lending'' means lending, as defined by and reported in an eligible institutions' quarterly call report, where each loan comprising such lending is one of the following types:

(i) Commercial and industrial loans.

(ii) Owner-occupied nonfarm, nonresidential real estate loans.

(iii) Loans to finance agricultural production and other loans to farmers.

(iv) Loans secured by farmland.

(B) EXCLUSION.—No loan that has an original amount greater than $10,000,000 or that goes to a business with more than $50,000,000 in revenues shall be included in the measure.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of eligible institutions that are bank holding companies or savings and loan holding companies having one or more insured depository institution subsidiaries, small business lending shall be measured based on the combined small business lending reported in the call report of the insured depository institution subsidiaries.

(19) VETERAN-OWNED BUSINESS.—

(A) The term ''veteran-owned business'' means a business—

(i) more than 50 percent of the ownership or control of which is held by 1 or more veterans;

(ii) more than 50 percent of the net profit or loss of which accrues to 1 or more veterans; and

(iii) a significant percentage of senior management positions of which are held by veterans.

(B) For purposes of this paragraph, the term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

SEC. 5103. SMALL BUSINESS LENDING FUND.

(a) FUND AND PROGRAM.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States a fund to be known as the ''Small Business Lending Fund'', which shall be administered by the Secretary.

(2) PROGRAMS AUTHORIZED.—The Secretary is authorized to establish the Small Business Lending Fund Program for using the Fund consistent with this subtitle.

(b) USE OF FUND.—

(1) IN GENERAL.—Subject to paragraph (2), the Fund shall be available to the Secretary, without further appropriation or fiscal year limitation, for the costs of purchases (including commitments to purchase), and modifications of such purchases, of preferred stock and other financial instruments from eligible institutions on such terms and conditions as are determined by the Secretary in accordance with this subtitle. For purposes of this paragraph and with respect to an eligible institution, the term ''other financial instruments'' shall include only debt instruments for which such eligible institution is fully liable or equity equivalent capital of the eligible institution. Such debt instruments may be subordinated to the claims of other creditors of the eligible institution.

(2) MAXIMUM PURCHASE LIMIT.—The aggregate amount of purchases (and commitments to purchase) made pursuant to paragraph (1) may not exceed $30,000,000,000.

(3) PROCEEDS USED TO PAY DOWN PUBLIC DEBT.—All funds received by the Secretary in connection with purchases made pursuant to paragraph (1), including interest payments, dividend payments, and proceeds from the sale of any financial instrument, shall be paid into the general fund of the Treasury for reduction of the public debt.

(4) LIMITATION ON PURCHASES FROM CDLFS.—

(A) IN GENERAL.—Not more than 1 percent of the maximum purchase limit of the Program, pursuant to paragraph (2), may be used to make purchases from community development loan funds.

(B) ELIGIBILITY STANDARDS.—The Secretary, in consultation with the Community Development Financial Institutions Fund, shall develop eligibility criteria to determine the financial ability of a CDLF to participate in the Program and repay the investment. Such criteria shall include the following:

(i) Ratio of net assets to total assets is at least 20 percent.

(ii) Ratio of loan loss reserves to loans and leases 90 days or more delinquent (including loans sold with full recourse) is at least 30 percent.

(iii) Positive net income measured on a 3-year rolling average.

(iv) Operating liquidity ratio of at least 1.0 for the 4 most recent quarters and for one or both of the two preceding years.

(v) Ratio of loans and leases 90 days or more delinquent (including loans sold with full recourse) to total equity plus loan loss reserves is less than 40 percent.

(C) REQUIREMENT TO SUBMIT AUDITED FINANCIAL STATEMENTS.—CDLFs participating in the Program shall submit audited financial statements to the Secretary, have a clean audit opinion, and have at least 3 years of operating experience.

(c) CREDITS TO THE FUND.—There shall be credited to the Fund amounts made available pursuant to section 5108, to the extent provided by appropriations Acts.

(d) TERMS.—

(1) APPLICATION.—

(A) INSTITUTIONS WITH ASSETS OF $1,000,000,000 OR LESS.—Eligible institutions having total assets equal to or less than $1,000,000,000, as reported in a call report as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(B) INSTITUTIONS WITH ASSETS OF MORE THAN $1,000,000,000 AND LESS THAN OR EQUAL TO $10,000,000,000.—Eligible institutions having total assets of more than $1,000,000,000 but less than $10,000,000,000, as of the end of the fourth quarter of calendar year 2009, may apply to receive a capital investment from the Fund in an amount not exceeding 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(C) TREATMENT OF HOLDING COMPANIES.—In the case of an eligible institution that is a bank holding company or a savings and loan holding company having one or more insured depository institution subsidiaries, total assets shall be measured based on the combined total assets reported in the call report of the insured depository institution subsidiaries as of the end of the fourth quarter of calendar year 2009 and risk-weighted assets shall be measured based on the combined risk-weighted assets of the insured depository institution subsidiaries as reported in the call report immediately preceding the date of application.

(D) TREATMENT OF APPLICANTS THAT ARE INSTITUTIONS CONTROLLED BY HOLDING COMPANIES.—If an eligible institution that applies to receive a capital investment under the Program is under the control of a bank holding company or a savings and loan holding company, then the Secretary may use the Fund to purchase preferred stock or other financial instruments from the top-tier bank holding company or savings and loan holding company of such eligible institution, as applicable. For purposes of this subparagraph, the term ''control'' with respect to a bank holding company shall have the same meaning as in section 2(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(2)(a)(2)). For purposes of this subparagraph, the term ''control'' with respect to a savings and loan holding company shall have the same meaning as in 10(a)(2) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)(2)).

(E) REQUIREMENT TO PROVIDE A SMALL BUSINESS LENDING PLAN.—At the time that an applicant submits an application to the Secretary for a capital investment under the Program, the applicant shall deliver to the appropriate Federal banking agency, and, for applicants that are State-chartered banks, to the appropriate State banking regulator, a small business lending plan describing how the applicant's business strategy and operating goals will allow it to address the needs of small businesses in the areas it serves, as well as a plan to provide linguistically and culturally appropriate outreach, where appropriate. In the case of eligible institutions that are community development loan funds, this plan shall be submitted to the Secretary. This plan shall be confidential supervisory information.

(F) TREATMENT OF APPLICANTS THAT ARE COMMUNITY DEVELOPMENT LOAN FUNDS.—Eligible institutions that are community development loan funds may apply to receive a capital investment from the Fund in an amount not exceeding 5 percent of total assets, as reported in the audited financial statements for the fiscal year of the eligible institution that ends in calendar year 2009.

(2) CONSULTATION WITH REGULATORS.—For each eligible institution that applies to receive a capital investment under the Program, the Secretary shall—

(A) consult with the appropriate Federal banking agency or, in the case of an eligible institution that is a nondepository community development financial institution, the Community Development Financial Institution Fund, for the eligible institution, to determine whether the eligible institution may receive such capital investment;

(B) in the case of an eligible institution that is a State-chartered bank, consider any views received from the State banking regulator of the State of the eligible institution regarding the financial condition of the eligible institution; and

(C) in the case of a community development financial institution loan fund, consult with the Community Development Financial Institution Fund.

(3) CONSIDERATION OF MATCHED PRIVATE INVESTMENTS.—

(A) IN GENERAL.—For an eligible institution that applies to receive a capital investment under the Program, if the entity to be consulted under paragraph (2) would not otherwise recommend the eligible institution to receive the capital investment, the Secretary, in consultation with the entity to be so consulted, may consider whether the entity to be consulted would recommend the eligible institution to receive a capital investment based on the financial condition of the institution if the conditions in subparagraph (B) are satisfied.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) CAPITAL SOURCES.—The eligible institution shall receive capital both under the Program and from private, nongovernment investors.

(ii) AMOUNT OF CAPITAL.—The amount of capital to be received under the Program shall not exceed 3 percent of risk-weighted assets, as reported in the call report immediately preceding the date of application, less the amount of any CDCI investment and any CPP investment.

(iii) TERMS.—The amount of capital to be received from private, nongovernment investors shall be—

(I) equal to or greater than 100 percent of the capital to be received under the Program; and

(II) subordinate to the capital investment made by the Secretary under the Program.

(4) INELIGIBILITY OF INSTITUTIONS ON FDIC PROBLEM BANK LIST.—

(A) IN GENERAL.—An eligible institution may not receive any capital investment under the Program, if—

(i) such institution is on the FDIC problem bank list; or

(ii) such institution has been removed from the FDIC problem bank list for less than 90 days.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed as limiting the discretion of the Secretary to deny the application of an eligible institution that is not on the FDIC problem bank list.

(C) FDIC PROBLEM BANK LIST DEFINED.—For purposes of this paragraph, the term ''FDIC problem bank list'' means the list of depository institutions having a current rating of 4 or 5 under the Uniform Financial Institutions Rating System, or such other list designated by the Federal Deposit Insurance Corporation.

(5) INCENTIVES TO LEND.—

(A) REQUIREMENTS ON PREFERRED STOCK AND OTHER FINANCIAL INSTRUMENTS.—Any preferred stock or other financial instrument issued to Treasury by an eligible institution receiving a capital investment under the Program shall provide that—

(i) the rate at which dividends or interest are payable shall be 5 percent per annum initially;

(ii) within the first 2 years after the date of the capital investment under the Program, the rate may be adjusted based on the amount of an eligible institution's small business lending. Changes in the amount of small business lending shall be measured against the average amount of small business lending reported by the eligible institution in its call reports for the 4 full quarters immediately preceding the date of enactment of this Act, minus adjustments from each quarterly balance in respect of—

(I) net loan charge offs with respect to small business lending; and

(II) gains realized by the eligible institution resulting from mergers, acquisitions or purchases of loans after origination and syndication; which adjustments shall be determined in accordance with guidance promulgated by the Secretary; and

(iii) during any calendar quarter during the initial 2-year period referred to in clause (ii), an institution's rate shall be adjusted to reflect the following schedule, based on that institution's change in the amount of small business lending relative to the baseline—

(I) if the amount of small business lending has increased by less than 2.5 percent, the dividend or interest rate shall be 5 percent;

(II) if the amount of small business lending has increased by 2.5 percent or greater, but by less than 5.0 percent, the dividend or interest rate shall be 4 percent;

(III) if the amount of small business lending has increased by 5.0 percent or greater, but by less than 7.5 percent, the dividend or interest rate shall be 3 percent;

(IV) if the amount of small business lending has increased by 7.5 percent or greater, and but by less than 10.0 percent, the dividend or interest rate shall be 2 percent; or

(V) if the amount of small business lending has increased by 10 percent or greater, the dividend or interest rate shall be 1 percent.

(B) BASIS OF INITIAL RATE.—The initial dividend or interest rate shall be based on call report data published in the quarter immediately preceding the date of the capital investment under the Program.

(C) TIMING OF RATE ADJUSTMENTS.—Any rate adjustment shall occur in the calendar quarter following the publication of call report data, such that the rate based on call report data from any one calendar quarter, which is published in the first following calendar quarter, shall be adjusted in that first following calendar quarter and payable in the second following quarter.

(D) RATE FOLLOWING INITIAL 2-YEAR PERIOD.—Generally, the rate based on call report data from the eighth calendar quarter after the date of the capital investment under the Program shall be payable until the expiration of the 4½-year period that begins on the date of the investment. In the case where the amount of small business lending has remained the same or decreased relative to the institution's baseline in the eighth quarter after the date of the capital investment under the Program, the rate shall be 7 percent until the expiration of the 4½-year period that begins on the date of the investment.

(E) RATE FOLLOWING INITIAL 4½ -YEAR PERIOD.—The dividend or interest rate paid on any preferred stock or other financial instrument issued by an eligible institution that receives a capital investment under the Program shall increase to 9 percent at the end of the 4½-year period that begins on the date of the capital investment under the Program.

(F) LIMITATION ON RATE REDUCTIONS WITH RESPECT TO CERTAIN AMOUNT.—The reduction in the dividend or interest rate payable to Treasury by any eligible institution shall be limited such that the rate reduction shall not apply to a dollar amount of the investment made by Treasury that is greater than the dollar amount increase in the amount of small business lending realized under this program. The Secretary may issue guidelines that will apply to new capital investments limiting the amount of capital available to eligible institutions consistent with this limitation.

(G) RATE ADJUSTMENTS FOR S CORPORATION.—Before making a capital investment in an eligible institution that is an S corporation or a corporation organized on a mutual basis, the Secretary may adjust the dividend or interest rate on the financial instrument to be issued to the Secretary, from the dividend or interest rate that would apply under subparagraphs (A) through (F), to take into account any differential tax treatment of securities issued by such eligible institution. For purpose of this subparagraph, the term ''S corporation'' has the same meaning as in section 1361(a) of the Internal Revenue Code of 1986.

(H) REPAYMENT DEADLINE.—The capital investment received by an eligible institution under the Program shall be evidenced by preferred stock or other financial instrument that—

(i) includes, as a term and condition, that the capital investment will—

(I) be repaid not later than the end of the 10-year period beginning on the date of the capital investment under the Program; or

(II) at the end of such 10-year period, be subject to such additional terms as the Secretary shall prescribe, which shall include a requirement that the stock or instrument shall carry the highest dividend or interest rate payable; and

(ii) provides that the term and condition described under clause (i) shall not apply if the application of that term and condition would adversely affect the capital treatment of the stock or financial instrument under current or successor applicable capital provisions compared to a capital instrument with identical terms other than the term and condition described under clause (i).

(I) REQUIREMENTS ON FINANCIAL INSTRUMENTS ISSUED BY A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION LOAN FUND.—Any equity equivalent capital issued to the Treasury by a community development loan fund receiving a capital investment under the Program shall provide that the rate at which interest is payable shall be 2 percent per annum for 8 years. After 8 years, the rate at which interest is payable shall be 9 percent.

(6) ADDITIONAL INCENTIVES TO REPAY.—The Secretary may, by regulation or guidance issued under section 5104(9), establish repayment incentives in addition to the incentive in paragraph (5)(E) that will apply to new capital investments in a manner that the Secretary determines to be consistent with the purposes of this subtitle.

(7) CAPITAL PURCHASE PROGRAM REFINANCE.—

(A) IN GENERAL.—The Secretary shall, in a manner that the Secretary determines to be consistent with the purposes of this subtitle, issue regulations and other guidance to permit eligible institutions to refinance securities issued to Treasury under the CDCI and the CPP for securities to be issued under the Program.

(B) PROHIBITION ON PARTICIPATION BY NONPAYING CPP PARTICIPANTS.—Subparagraph (A) shall not apply to any eligible institution that has missed more than one dividend payment due under the CPP. For purposes of this subparagraph, a CPP dividend payment that is submitted within 60 days of the due date of such payment shall not be considered a missed dividend payment.

(8) OUTREACH TO MINORITIES, WOMEN, AND VETERANS.—The Secretary shall require eligible institutions receiving capital investments under the Program to provide linguistically and culturally appropriate outreach and advertising in the applicant pool describing the availability and application process of receiving loans from the eligible institution that are made possible by the Program through the use of print, radio, television or electronic media outlets which target organizations, trade associations, and individuals that—

(A) represent or work within or are members of minority communities;

(B) represent or work with or are women; and

(C) represent or work with or are veterans.

(9) ADDITIONAL TERMS.—The Secretary may, by regulation or guidance issued under section 5104(9), make modifications that will apply to new capital investments in order to manage risks associated with the administration of the Fund in a manner consistent with the purposes of this subtitle.

(10) MINIMUM UNDERWRITING STANDARDS.—The appropriate Federal banking agency for an eligible institution that receives funds under the Program shall within 60 days issue guidance regarding prudent underwriting standards that must be used for loans made by the eligible institution using such funds.

SEC. 5104. ADDITIONAL AUTHORITIES OF THE SECRETARY.

The Secretary may take such actions as the Secretary deems necessary to carry out the authorities in this subtitle, including, without limitation, the following:

(1) The Secretary may use the services of any agency or instrumentality of the United States or component thereof on a reimbursable basis, and any such agency or instrumentality or component thereof is authorized to provide services as requested by the Secretary using all authorities vested in or delegated to that agency, instrumentality, or component.

(2) The Secretary may enter into contracts, including contracts for services authorized by section 3109 of title 5, United States Code.

(3) The Secretary may designate any bank, savings association, trust company, security broker or dealer, asset manager, or investment adviser as a financial agent of the Federal Government and such institution shall perform all such reasonable duties related to this subtitle as financial agent of the Federal Government as may be required. The Secretary shall have authority to amend existing agreements with financial agents, entered into during the 2-year period before the date of enactment of this Act, to perform reasonable duties related to this subtitle.

(4) The Secretary may exercise any rights received in connection with any preferred stock or other financial instruments or assets purchased or acquired pursuant to the authorities granted under this subtitle.

(5) Subject to section 5103(b)(3), the Secretary may manage any assets purchased under this subtitle, including revenues and portfolio risks therefrom.

(6) The Secretary may sell, dispose of, transfer, exchange or enter into securities loans, repurchase transactions, or other financial transactions in regard to, any preferred stock or other financial instrument or asset purchased or acquired under this subtitle, upon terms and conditions and at a price determined by the Secretary.

(7) The Secretary may manage or prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this subtitle.

(8) The Secretary may establish and use vehicles, subject to supervision by the Secretary, to purchase, hold, and sell preferred stock or other financial instruments and issue obligations.

(9) The Secretary may, in consultation with the Administrator of the Small Business Administration, issue such regulations and other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this subtitle.

SEC. 5105. CONSIDERATIONS.

In exercising the authorities granted in this subtitle, the Secretary shall take into consideration—

(1) increasing the availability of credit for small businesses;

(2) providing funding to minority-owned eligible institutions and other eligible institutions that serve small businesses that are minority-, veteran-, and women-owned and that also serve low- and moderate-income, minority, and other underserved or rural communities;

(3) protecting and increasing American jobs;

(4) increasing the opportunity for small business development in areas with high unemployment rates that exceed the national average;

(5) ensuring that all eligible institutions may apply to participate in the program established under this subtitle, without discrimination based on geography;

(6) providing transparency with respect to use of funds provided under this subtitle;

(7) minimizing the cost to taxpayers of exercising the authorities;

(8) promoting and engaging in financial education to would-be borrowers; and

(9) providing funding to eligible institutions that serve small businesses directly affected by the discharge of oil arising from the explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon and small businesses in communities that have suffered negative economic effects as a result of that discharge with particular consideration to States along the coast of the Gulf of Mexico.

SEC. 5106. REPORTS.

The Secretary shall provide to the appropriate committees of Congress—

(1) within 7 days of the end of each month commencing with the first month in which transactions are made under the Program, a written report describing all of the transactions made during the reporting period pursuant to the authorities granted under this subtitle;

(2) after the end of March and the end of September, commencing September 30, 2010, a written report on all projected costs and liabilities, all operating expenses, including compensation for financial agents, and all transactions made by the Fund, which shall include participating institutions and amounts each institution has received under the Program; and

(3) within 7 days of the end of each calendar quarter commencing with the first calendar quarter in which transactions are made under the Program, a written report detailing how eligible institutions participating in the Program have used the funds such institutions received under the Program.

SEC. 5107. OVERSIGHT AND AUDITS.

(a) INSPECTOR GENERAL OVERSIGHT.—The Inspector General of the Department of the Treasury shall conduct, supervise, and coordinate audits and investigations of the Program through the Office of Small Business Lending Fund Program Oversight established under subsection (b).

(b) OFFICE OF SMALL BUSINESS LENDING FUND PROGRAM OVERSIGHT.—

(1) ESTABLISHMENT.—There is hereby established within the Office of the Inspector General of the Department of the Treasury a new office to be named the ''Office of Small Business Lending Fund Program Oversight'' to provide oversight of the Program.

(2) LEADERSHIP.—The Inspector General shall appoint a Special Deputy Inspector General for SBLF Program Oversight to lead the Office, with commensurate staff, who shall report directly to the Inspector General and who shall be responsible for the performance of all auditing and investigative activities relating to the Program.

(3) REPORTING.—

(A) IN GENERAL.—The Inspector General shall issue a report no less than two times a year to the Congress and the Secretary devoted to the oversight provided by the Office, including any recommendations for improvements to the Program.

(B) RECOMMENDATIONS.—With respect to any deficiencies identified in a report under subparagraph (A), the Secretary shall either—

(i) take actions to address such deficiencies; or

(ii) certify to the appropriate committees of Congress that no action is necessary or appropriate.

(4) COORDINATION.—The Inspector General, in maximizing the effectiveness of the Office, shall work with other Offices of Inspector General, as appropriate, to minimize duplication of effort and ensure comprehensive oversight of the Program.

(5) TERMINATION.—The Office shall terminate at the end of the 6-month period beginning on the date on which all capital investments are repaid under the Program or the date on which the Secretary determines that any remaining capital investments will not be repaid.

(6) DEFINITIONS.—For purposes of this subsection:

(A) OFFICE.—The term ''Office'' means the Office of Small Business Lending Fund Program Oversight established under paragraph (1).

(B) INSPECTOR GENERAL.—The term ''Inspector General'' means the Inspector General of the Department of the Treasury.

(c) GAO AUDIT.—The Comptroller General of the United States shall perform an annual audit of the Program and issue a report to the appropriate committees of Congress containing the results of such audit.

(d) REQUIRED CERTIFICATIONS.—

(1) ELIGIBLE INSTITUTION CERTIFICATION.—Each eligible institution that participates in the Program must certify that such institution is in compliance with the requirements of section 103.121 of title 31, Code of Federal Regulations, a regulation that, at a minimum, requires financial institutions, as that term is defined in 31 U.S.C. 5312(a)(2) and (c)(1)(A), to implement reasonable procedures to verify the identity of any person seeking to open an account, to the extent reasonable and practicable, maintain records of the information used to verify the person's identity, and determine whether the person appears on any lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency.

(2) LOAN RECIPIENTS.—With respect to funds received by an eligible institution under the Program, any business receiving a loan from the eligible institution using such funds after the date of the enactment of this Act shall certify to such eligible institution that the principals of such business have not been convicted of a sex offense against a minor (as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911)).

(e) PROHIBITION ON PORNOGRAPHY.—None of the funds made available under this subtitle may be used to pay the salary of any individual engaged in activities related to the Program who has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

SEC. 5108. CREDIT REFORM; FUNDING.

(a) CREDIT REFORM.—The cost of purchases of preferred stock and other financial instruments made as capital investments under this subtitle shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

(b) FUNDS MADE AVAILABLE.—There are hereby appropriated, out of funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay the costs of $30,000,000,000 of capital investments in eligible institutions, including the costs of modifying such investments, and reasonable costs of administering the program of making, holding, managing, and selling the capital investments.

SEC. 5109. TERMINATION AND CONTINUATION OF AUTHORITIES.

(a) TERMINATION OF INVESTMENT AUTHORITY.—The authority to make capital investments in eligible institutions, including commitments to purchase preferred stock or other instruments, provided under this subtitle shall terminate 1 year after the date of enactment of this Act.

(b) CONTINUATION OF OTHER AUTHORITIES.—The authorities of the Secretary under section 5104 shall not be limited by the termination date in subsection (a).

SEC. 5110. PRESERVATION OF AUTHORITY.

Nothing in this subtitle may be construed to limit the authority of the Secretary under any other provision of law.

SEC. 5111. ASSURANCES.

(a) SMALL BUSINESS LENDING FUND SEPARATE FROM TARP.—The Small Business Lending Fund Program is established as separate and distinct from the Troubled Asset Relief Program established by the Emergency Economic Stabilization Act of 2008. An institution shall not, by virtue of a capital investment under the Small Business Lending Fund Program, be considered a recipient of the Troubled Asset Relief Program.

(b) CHANGE IN LAW.—If, after a capital investment has been made in an eligible institution under the Program, there is a change in law that modifies the terms of the investment or program in a materially adverse respect for the eligible institution, the eligible institution may, after consultation with the appropriate Federal banking agency for the eligible institution, repay the investment without impediment.

SEC. 5112. STUDY AND REPORT WITH RESPECT TO WOMEN-OWNED, VETERAN-OWNED, AND MINORITY-OWNED BUSINESSES.

(a) STUDY.—The Secretary shall conduct a study of the impact of the Program on women-owned businesses, veteran-owned businesses, and minority-owned businesses.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted pursuant to subsection (a). To the extent possible, the Secretary shall disaggregate the results of such study by ethnic group and gender.

(c) INFORMATION PROVIDED TO THE SECRETARY.—Eligible institutions that participate in the Program shall provide the Secretary with such information as the Secretary may require to carry out the study required by this section.

SEC. 5113. SENSE OF CONGRESS.

It is the sense of Congress that the Federal Deposit Insurance Corporation and other bank regulators are sending mixed messages to banks regarding regulatory capital requirements and lending standards, which is a

contributing cause of decreased small business lending and increased regulatory uncertainty at community banks.

Subtitle B—Other Provisions

PART I—SMALL BUSINESS EXPORT PROMOTION INITIATIVES

SEC. 5221. GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.

(a) INCREASE IN EMPLOYEES WITH RESPONSIBILITY FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES.—

(1) IN GENERAL.—During the 24-month period beginning on the date of the enactment of this Act, the Secretary of Commerce shall increase the number of full-time departmental employees whose primary responsibilities involve promoting or facilitating participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses. In carrying out this subsection, the Secretary shall ensure that—

(A) the cohort of such employees is increased by not less than 80 persons; and

(B) a substantial portion of the increased cohort is stationed outside the United States.

(2) ENHANCED FOCUS ON UNITED STATES SMALL- AND MEDIUM-SIZED BUSINESSES.—In carrying out this subsection, the Secretary shall take such action as may be necessary to ensure that the activities of the Department of Commerce relating to promoting and facilitating participation by United States businesses in the global marketplace include promoting and facilitating such participation by small and medium-sized businesses in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2011 and 2012 such sums as may be necessary to carry out this section.

(b) ADDITIONAL FUNDING FOR GLOBAL BUSINESS DEVELOPMENT AND PROMOTION ACTIVITIES OF THE DEPARTMENT OF COMMERCE.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $30,000,000 to promote or facilitate participation by United States businesses in the global marketplace and facilitating the entry into, or expansion of, such participation by United States businesses.

(2) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by paragraph (1), the Secretary of Commerce shall give preference to activities that—

(A) assist small- and medium-sized businesses in the United States; and

(B) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5222. ADDITIONAL FUNDING TO IMPROVE ACCESS TO GLOBAL MARKETS FOR RURAL BUSINESSES.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $5,000,000 for each of the fiscal years 2011 and 2012 for improving access to the global marketplace for goods and services provided by rural businesses in the United States.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5223. ADDITIONAL FUNDING FOR THE EXPORTECH PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce $11,000,000 for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, to expand ExporTech, a joint program of the Hollings Manufacturing Partnership Program and the Export Assistance Centers of the Department of Commerce.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5224. ADDITIONAL FUNDING FOR THE MARKET DEVELOPMENT COOPERATOR PROGRAM OF THE DEPARTMENT OF COMMERCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce for the period beginning on the date of the enactment of this Act and ending 18 months thereafter, $15,000,000 for the Manufacturing and Services unit of the International Trade Administration—

(1) to establish public-private partnerships under the Market Development Cooperator Program of the International Trade Administration; and

(2) to underwrite a portion of the start-up costs for new projects carried out under that Program to strengthen the competitiveness and market share of United States industry, not to exceed, for each such project, the lesser of—

(A) ⅓ of the total start-up costs for the project; or

(B) $500,000.

(b) REQUIREMENTS.—In obligating and expending the funds authorized to be appropriated by subsection (a), the Secretary of Commerce shall give preference to activities that—

(1) assist small- and medium-sized businesses in the United States; and

(2) the Secretary determines will create or sustain the greatest number of jobs in the United States and obtain the maximum return on investment.

SEC. 5225. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM; TECHNOLOGY INNOVATION PROGRAM.

(a) HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.—Section 25(f) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)) is amended by adding at the end the following:

''(7) GLOBAL MARKETPLACE PROJECTS.—In making awards under this subsection, the Director, in consultation with the Manufacturing Extension Partnership Advisory Board and the Secretary of Commerce, may—

''(A) take into consideration whether an application has significant potential for enhancing the competitiveness of small and medium-sized United States manufacturers in the global marketplace; and

''(B) give a preference to applications for such projects to the extent the Director deems appropriate, taking into account the broader purposes of this subsection.''.

(b) TECHNOLOGY INNOVATION PROGRAM.—In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.

SEC. 5226. SENSE OF THE SENATE CONCERNING FEDERAL COLLABORATION WITH STATES ON EXPORT PROMOTION ISSUES.

It is the sense of the Senate that the Secretary of Commerce should enhance Federal collaboration with the States on export promotion issues by—

(1) providing the necessary training to the staff at State international trade agencies to enable them to assist the United States and Foreign Commercial Service (established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721)) in providing counseling and other export services to businesses in their communities; and

(2) entering into agreements with State international trade agencies for those agencies to deliver export promotion services in their local communities in order to extend the outreach of United States and Foreign Commercial Service programs.

SEC. 5227. REPORT ON TARIFF AND NONTARIFF BARRIERS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the United States Trade Representative and other appropriate entities, shall report to Congress on the tariff and nontariff barriers imposed by Colombia, the Republic of Korea, and Panama with respect to exports of articles from the United States, including articles exported or produced by small- and medium-sized businesses in the United States.

PART II—MEDICARE FRAUD

SEC. 5241. USE OF PREDICTIVE MODELING AND OTHER ANALYTICS TECHNOLOGIES TO IDENTIFY AND PREVENT WASTE, FRAUD, AND ABUSE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.

(a) USE IN THE MEDICARE FEE-FOR-SERVICE PROGRAM.—The Secretary shall use predictive modeling and other analytics technologies (in this section referred to as ''predictive analytics technologies'') to identify improper claims for reimbursement and to prevent the payment of such claims under the Medicare fee-for-service program.

(b) PREDICTIVE ANALYTICS TECHNOLOGIES REQUIREMENTS.—The predictive analytics technologies used by the Secretary shall—

(1) capture Medicare provider and Medicare beneficiary activities across the Medicare fee-for-service program to provide a comprehensive view across all providers, beneficiaries, and geographies within such program in order to—

(A) identify and analyze Medicare provider networks, provider billing patterns, and beneficiary utilization patterns; and

(B) identify and detect any such patterns and networks that represent a high risk of fraudulent activity;

(2) be integrated into the existing Medicare fee-for-service program claims flow with minimal effort and maximum efficiency;

(3) be able to—

(A) analyze large data sets for unusual or suspicious patterns or anomalies or contain other factors that are linked to the occurrence of waste, fraud, or abuse;

(B) undertake such analysis before payment is made; and

(C) prioritize such identified transactions for additional review before payment is made in terms of the likelihood of potential waste, fraud, and abuse to more efficiently utilize investigative resources;

(4) capture outcome information on adjudicated claims for reimbursement to allow for refinement and enhancement of the predictive analytics technologies on the basis of such outcome information, including post-payment information about the eventual status of a claim; and

(5) prevent the payment of claims for reimbursement that have been identified as potentially wasteful, fraudulent, or abusive until such time as the claims have been verified as valid.

(c) IMPLEMENTATION REQUIREMENTS.—

(1) REQUEST FOR PROPOSALS.—Not later than January 1, 2011, the Secretary shall issue a request for proposals to carry out this section during the first year of implementation. To the extent the Secretary determines appropriate—

(A) the initial request for proposals may include subsequent implementation years; and

(B) the Secretary may issue additional requests for proposals with respect to subsequent implementation years.

(2) FIRST IMPLEMENTATION YEAR.—The initial request for proposals issued under paragraph (1) shall require the contractors selected to commence using predictive analytics technologies on July 1, 2011, in the 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program.

(3) SECOND IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(1)(B), the Secretary shall expand the use of predictive analytics technologies on October 1, 2012, to apply to an additional 10 States identified by the Secretary as having the highest risk of waste, fraud, or abuse in the Medicare fee-for-service program, after the States identified under paragraph (2).

(4) THIRD IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(2), the Secretary shall expand the use of predictive analytics technologies on January 1, 2014, to apply to the Medicare fee-for-service program in any State not identified under paragraph (2) or (3) and the commonwealths and territories.

(5) FOURTH IMPLEMENTATION YEAR.—Based on the results of the report and recommendation required under subsection (e)(3), the Secretary shall expand the use of predictive analytics technologies, beginning April 1, 2015, to apply to Medicaid and CHIP. To the extent the Secretary determines appropriate, such expansion may be made on a phased-in basis.

(6) OPTION FOR REFINEMENT AND EVALUATION.—If, with respect to the first, second, or third implementation year, the Inspector General of the Department of Health and Human Services certifies as part of the report required under subsection (e) for that year no or only nominal actual savings to the Medicare fee-for-service program, the Secretary may impose a moratorium, not to exceed 12 months, on the expansion of the use of predictive analytics technologies under this section for the succeeding year in order to refine the use of predictive analytics technologies to achieve more than nominal savings before further expansion. If a moratorium is imposed in accordance with this paragraph, the implementation dates applicable for the succeeding year or years shall be adjusted to reflect the length of the moratorium period.

(d) CONTRACTOR SELECTION, QUALIFICATIONS, AND DATA ACCESS REQUIREMENTS.—

(1) SELECTION.—

(A) IN GENERAL.—The Secretary shall select contractors to carry out this section using competitive procedures as provided for in the Federal Acquisition Regulation.

(B) NUMBER OF CONTRACTORS.—The Secretary shall select at least 2 contractors to carry out this section with respect to any year.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The Secretary shall enter into a contract under this section with an entity only if the entity—

(i) has leadership and staff who—

(I) have the appropriate clinical knowledge of, and experience with, the payment rules and regulations under the Medicare fee-for-service program; and

(II) have direct management experience and proficiency utilizing predictive analytics technologies necessary to carry out the requirements under subsection (b); or

(ii) has a contract, or will enter into a contract, with another entity that has leadership and staff meeting the criteria described in clause (i).

(B) CONFLICT OF INTEREST.—The Secretary may only enter into a contract under this section with an entity to the extent that the entity complies with such conflict of interest standards as are generally applicable to Federal acquisition and procurement.

(3) DATA ACCESS.—The Secretary shall provide entities with a contract under this section with appropriate access to data necessary for the entity to use predictive analytics technologies in accordance with the contract.

(e) REPORTING REQUIREMENTS.—

(1) FIRST IMPLEMENTATION YEAR REPORT.—Not later than 3 months after the completion of the first implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes the following:

(A) A description of the implementation of the use of predictive analytics technologies during the year.

(B) A certification of the Inspector General of the Department of Health and Human Services that—

(i) specifies the actual and projected savings to the Medicare fee-for-service program as a result of the use of predictive analytics technologies, including estimates of the amounts of such savings with respect to both improper payments recovered and improper payments avoided;

(ii) the actual and projected savings to the Medicare fee-for-service program as a result of such use of predictive analytics technologies relative to the return on investment for the use of such technologies and in comparison to other strategies or technologies used to prevent and detect fraud, waste, and abuse in the Medicare fee-for-service program; and

(iii) includes recommendations regarding—

(I) whether the Secretary should continue to use predictive analytics technologies;

(II) whether the use of such technologies should be expanded in accordance with the requirements of subsection (c); and

(III) any modifications or refinements that should be made to increase the amount of actual or projected savings or mitigate any adverse impact on Medicare beneficiaries or providers.

(C) An analysis of the extent to which the use of predictive analytics technologies successfully prevented and detected waste, fraud, or abuse in the Medicare fee-for-service program.

(D) A review of whether the predictive analytics technologies affected access to, or the quality of, items and services furnished to Medicare beneficiaries.

(E) A review of what effect, if any, the use of predictive analytics technologies had on Medicare providers.

(F) Any other items determined appropriate by the Secretary.

(2) SECOND YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the second implementation year under this section, the Secretary shall submit to the appropriate committees of Congress and make available to the public a report that includes, with respect to such year, the items required under paragraph (1) as well as any other additional items determined appropriate by the Secretary with respect to the report for such year.

(3) THIRD YEAR IMPLEMENTATION REPORT.—Not later than 3 months after the completion of the third implementation year under this section, the Secretary shall submit to the appropriate committees of Congress, and make available to the public, a report that includes with respect to such year, the items required under paragraph (1), as well as any other additional items determined appropriate by the Secretary with respect to the report for such year, and the following:

(A) An analysis of the cost-effectiveness and feasibility of expanding the use of predictive analytics technologies to Medicaid and CHIP.

(B) An analysis of the effect, if any, the application of predictive analytics technologies to claims under Medicaid and CHIP would have on States and the commonwealths and territories.

(C) Recommendations regarding the extent to which technical assistance may be necessary to expand the application of predictive analytics technologies to claims under Medicaid and CHIP, and the type of any such assistance.

(f) INDEPENDENT EVALUATION AND REPORT.—

(1) EVALUATION.—Upon completion of the first year in which predictive analytics technologies are used with respect to claims under Medicaid and CHIP, the Secretary shall, by grant, contract, or interagency agreement, conduct an independent evaluation of the use of predictive analytics technologies under the Medicare fee-for-service program and Medicaid and CHIP. The evaluation shall include an analysis with respect to each such program of the items required for the third year implementation report under subsection (e)(3).

(2) REPORT.—Not later than 18 months after the evaluation required under paragraph (1) is initiated, the Secretary shall submit a report to Congress on the evaluation that shall include the results of the evaluation, the Secretary's response to such results and, to the extent the Secretary determines appropriate, recommendations for legislation or administrative actions.

(g) WAIVER AUTHORITY.—The Secretary may waive such provisions of titles XI, XVIII, XIX, and XXI of the Social Security Act, including applicable prompt payment requirements under titles XVIII and XIX of such Act, as the Secretary determines to be appropriate to carry out this section.

(h) FUNDING.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out this section, $100,000,000 for the period beginning January 1, 2011, to remain available until expended.

(2) RESERVATIONS.—

(A) INDEPENDENT EVALUATION.—The Secretary shall reserve not more than 5 percent of the funds appropriated under paragraph (1) for purposes of conducting the independent evaluation required under subsection (f).

(B) APPLICATION TO MEDICAID AND CHIP.—The Secretary shall reserve such portion of the funds appropriated under paragraph (1) as the Secretary determines appropriate for purposes of providing assistance to States for administrative expenses in the event of

the expansion of predictive analytics technologies to claims under Medicaid and CHIP.

(i) DEFINITIONS.—In this section:

(1) COMMONWEALTHS AND TERRITORIES.—The term ''commonwealth and territories'' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States in which the Medicare fee-for-service program, Medicaid, or CHIP operates.

(2) CHIP.—The term ''CHIP'' means the Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) MEDICAID.—The term ''Medicaid'' means the program to provide grants to States for medical assistance programs established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(4) MEDICARE BENEFICIARY.—The term ''Medicare beneficiary'' means an individual enrolled in the Medicare fee-for-service program.

(5) MEDICARE FEE-FOR-SERVICE PROGRAM.—The term ''Medicare fee-for-service program'' means the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(6) MEDICARE PROVIDER.—The term ''Medicare provider'' means a provider of services (as defined in subsection (u) of section 1861 of the Social Security Act (42 U.S.C. 1395x)) and a supplier (as defined in subsection (d) of such section).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

(8) STATE.—The term ''State'' means each of the 50 States and the District of Columbia.

PART III—ADVANCE REFUNDABILITY

SEC. 5261. ELIMINATION OF ADVANCE REFUNDABILITY OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, section 2122 and the amendments made by section 2122 shall have no force or effect.

(b) ELIMINATION.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are repealed:

(A) Section 3507.

(B) Subsection (g) of section 32.

(C) Paragraph (7) of section 6051(a).

(2) CONFORMING AMENDMENTS.—

(A) Section 6012(a) of the Internal Revenue Code of 1986 is amended by striking paragraph (8) and by redesignating paragraph (9) as paragraph (8).

(B) Section 6302 of such Code is amended by striking subsection (i).

(C) The table of sections for chapter 25 of such Code is amended by striking the item relating to section 3507.

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

SA 4501. Mr. REID proposed an amendment to amendment SA 4500 proposed by Mr. REID (for Mr. LEMIEUX (for himself, Ms. LANDRIEU, Mr. MERKLEY, Mrs. BOXER, Ms. CANTWELL, Ms. KLOBUCHAR, and Mrs. MURRAY)) to the amendment SA 4499 proposed by Mr. REID (for Mr. BAUCUS) to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 10 days after enactment.

SA 4502. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

SA 4503. Mr. REID proposed an amendment to amendment SA 4502 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

In amendment, strike ''5'' and insert ''4''.

SA 4504. Mr. REID proposed an amendment to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

The Finance Committee is requested to study the impact of changes to the system whereby small business entities are provided with opportunities for access to capital.

SA 4505. Mr. REID proposed an amendment to amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

and the economic impact on local communities served by small businesses,

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SA 4506. Mr. REID proposed an amendment to amendment SA 4505 proposed by Mr. REID to the amendment SA 4504 proposed by Mr. REID to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; as follows:

At the end, insert the following:

and its impact on state and local governments.

SA 4507. Mr. DORGAN (for himself, Mr. CRAPO, Mr. TESTER, and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—NATIVE AMERICAN INVESTMENT INITIATIVES

SEC. __01. IMPROVING ACCESS TO CAPITAL FOR INDIAN TRIBES.

Section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481) is amended by adding at the end the following:

''(c) IMPROVING ACCESS TO CAPITAL FOR INDIAN TRIBES.—The Secretary shall consider more favorable equity terms or allow an increase in loan guarantees from 90 percent up to 95 percent of the unpaid principal and interest due on any loan made under this section for energy development or manufacturing carried out on Indian land or within a tribal service area recognized by the Bureau of Indian Affairs.''.

SEC. __02. SURETY BOND GUARANTEES.

Section 218 of the Indian Financing Act of 1974 (25 U.S.C. 1497a) is amended to read as follows:

''SEC. 218. SURETY BOND GUARANTEES.

''(a) AMOUNT; ELIGIBILITY.—The Secretary may issue a guarantee up to 100 percent of amounts covered by a surety bond issued for eligible construction, renovation, or demolition work performed or to be performed by an Indian individual or Indian economic enterprise.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The Secretary may provide a surety bond guarantee under this section only if the Secretary determines that—

''(A) the guarantee is necessary for the Indian individual or Indian economic enterprise to secure a surety bond on commercially reasonable terms;

''(B) not more than 25 percent of the business of the surety is comprised of bonds guaranteed pursuant to this section; and

''(C) the surety meets eligibility standards established by the Secretary in rules and regulations.

''(2) PREVENTION AND MITIGATION OF LOSS.—The Secretary shall condition each surety bond guarantee to an Indian business on the existence of—

''(A) appropriate technical assistance and advice; and

''(B) adequate monitoring of the performance of the project.

''(c) FEES AND CHARGES.—

''(1) IN GENERAL.—The rules and regulations promulgated by the Secretary to carry out this section shall include the setting of—

''(A) reasonable fees to be paid by the Indian individual or economic enterprise; and

''(B) reasonable premium charges to be paid by sureties.

''(2) RECEIPTS.—The receipts from fees and charges shall be made available to the Secretary for administration and management of this section.''.

SEC. __03. INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES.

The Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) is amended—

(1) in section 2 (25 U.S.C. 3401), by striking ''The purposes of this chapter are to demonstrate how Indian tribal governments can integrate the employment, training, and related services they provide in order'' and inserting ''The purposes of this chapter are to promote tribal government integration of employment, training, and related services'';

(2) in section 3 (25 U.S.C. 3402), by adding at the end the following:

''(5) TRIBAL ORGANIZATION.—The term 'tribal organization' has meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).'';

(3) in section 4 (25 U.S.C. 3403)—

(A) by striking ''The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary''; and

(B) by adding at the end the following:

''(b) SINGLE INTEGRATED PLAN.—On approval by the Secretary of a plan submitted by an Indian tribe or tribal organization under subsection (a), the covered programs shall be fully integrated into a single, coordinated, comprehensive program that shall not require the Indian tribe or tribal organization to submit to any additional budgets, reports, audits, supplemental audits, or other documentation requirements.

''(c) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, all funds for programs and services covered by an approved plan under this section shall, at the request of the Indian tribe or tribal organization, be transferred to the Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement, including those awarded under title I or IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).'';

(4) in section 5 (25 U.S.C. 3404), by striking ''in a demonstration project under any such'' and inserting ''under any'';

(5) in section 6 (25 U.S.C. 3405), by striking paragraph (3) and inserting the following:

''(3) identify—

''(A) the full range of potential employment opportunities on and near the service area of the Indian tribe or tribal organization; and

''(B) the education, training, and related services to be provided to assist individual Indians to access those employment opportunities;'';

(6) by striking sections 7 and 8 (25 U.S.C. 3406, 3407) and inserting the following:

''SEC. 7. PLAN REVIEW AND APPROVAL.

''(a) IN GENERAL.—Not later than 90 days after the date of receipt of a plan under section 4, the Secretary shall approve the plan, including any request for a waiver that is made as part of the plan, and authorize the transfer of funds pursuant to that plan, unless the Secretary provides written notification of disapproval of the plan that contains a specific finding that clearly demonstrates that, or that is supported by a controlling legal authority that, the plan does not meet the requirements of section 6.

''(b) FAILURE TO ACT.—Any plan that the Secretary fails to act on by the date that is 90 days after the date of receipt (or such extended time as may be provided under subsection (c)) shall be considered to be approved.

''(c) EXTENSION OF TIME.—Notwithstanding any other provision of law, the Secretary may extend or otherwise modify the 90-day period specified in subsection (a), if before the expiration of that period, the Secretary obtains the express written consent of the Indian tribe or tribal organization to extend or alter the period for up to 90 additional days.

''(d) REVIEW OF DECISION; APPLICABLE PROVISIONS.—On a decision to disapprove a plan, the following provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall apply to the review of the decision:

''(1) Section 102(b) (25 U.S.C. 450f(b)) (relating to the declination process).

''(2) Section 102(e) (25 U.S.C. 450f(e)) (relating to burden of proof and finality).

''(3) Subsections (a) and (c) of section 110 (25 U.S.C. 450m–1) (relating to appeals).'';

(7) in section 11 (25 U.S.C. 3410)—

(A) in subsection (a), by striking paragraphs (1) through (4) and inserting the following:

''(1) the development and use of a model single report for each approved plan submitted by an Indian tribe or tribal organization to report on the consolidated activities undertaken and joint expenditures made under the plan;

''(2) the provision, either directly or through contract, of appropriate technical assistance to an Indian tribe or tribal organization with an approved plan, on the condition that the Indian tribe or tribal organization retains the authority to accept the plan for providing such technical assistance and the technical assistance provider;

''(3) the development and use of a single monitoring and oversight system for the plan;

''(4)(A) the receipt of all funds covered by a plan submitted by an Indian tribe or tribal organization and approved by the Secretary; and

''(B) the distribution of all such funds to the respective Indian tribe or tribal organization; and

''(5) the performance of activities described in section 7 relating to agency waivers and the establishment of an inter-agency dispute resolution process.'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) INTERDEPARTMENTAL MEMORANDUM.—

''(1) IN GENERAL.—The interdepartmental memorandum described in subsection (a) shall include, at a minimum, requirements for—

''(A) an annual meeting of participating Indian tribes, tribal organizations, and Federal agencies, with the meeting co-chaired by a representative of the President and a representative of the participating Indian tribes;

''(B) an annual review of the achievements under the Act as well as statutory, regulatory, administrative, and policy obstacles that prevent participating Indian tribes from fully carrying out the purposes of the Act; and

''(C) in accordance with paragraph (2), the establishment of an advisory committee to identify and resolve inter-agency or Federal-tribal conflicts in the administration of the Act.

''(2) ADVISORY COMMITTEE.—The Advisory Committee described in paragraph (1)(C) shall—

''(A) be comprised of representatives appointed by the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Secretary of Commerce, the Secretary of Transportation, and the Secretary of Agriculture;

''(B) have 2 representatives appointed by the Secretary of the Interior from nominations submitted by Indian tribes or tribal organizations;

''(C) meet at least twice per year; and

''(D) be exempt from the requirements of Federal Advisory Committee Act (5 U.S.C. App.).'';

(8) in section 12 (25 U.S.C. 3411), by striking ''tribal government involved in any demonstration project be reduced as a result of'' and inserting ''participating Indian tribe or tribal organization be reduced as a result of the approval or implementation of a plan under this Act or'';

(9) in section 13 (25 U.S.C. 3412), by striking ''a tribal government in order to further the purposes of this Act'' and inserting ''an Indian tribe or tribal organization in order to further the purposes of this Act (including any amendments made to this Act)'';

(10) in section 14 (25 U.S.C. 3413)—

(A) in subsection (a), by striking paragraph (2) and inserting the following:

''(2) SEPARATE RECORDS AND AUDITS NOT REQUIRED.—Notwithstanding any other provision of law, including any regulation or circular of any agency (including Circular A–133 of the Office of Management and Budget), a participating Indian tribe or tribal organization shall not be required—

''(A) to maintain separate records tracing any services or activities conducted under the approved plan of the Indian tribe or tribal organization to the individual programs under which funds were authorized or transferred;

''(B) to allocate expenditures among the individual programs; or

''(C) to audit expenditures by original program source.''; and

(B) by striking subsection (b) and inserting the following:

''(b) OVERAGE; CARRYOVER; INDIRECT COSTS.—

''(1) OVERAGE.—

''(A) IN GENERAL.—All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of the costs, subject to the regulations of each program or department.

''(B) AUDIT PURPOSES.—The difference between the amount of the commingled funds and the actual administrative cost of the programs, or the overage, shall be considered to be properly spent for Federal audit purposes, if the overage is used to carry out this Act.

''(C) REQUIREMENTS.—Amounts described in subparagraphs (A) and (B) shall be required to be obligated or expended consistent with the plan of the Indian tribe or tribal organization, but no additional justification or documentation of the purposes shall be required to be provided by the Indian tribe or tribal organization as a condition of receiving or expending the funds.

''(2) CARRYOVER.—

''(A) IN GENERAL.—For each fiscal year, any amounts transferred to an Indian tribe or tribal organization pursuant to this Act that remain unobligated or unexpended shall remain available for obligation or expenditure without fiscal year limitation.

''(B) REQUIREMENTS.—Amounts described in subparagraph (A) shall be required to be obligated or expended consistent with the plan of the Indian tribe or tribal organization, but no additional justification or documentation shall be required of the Indian

tribe or tribal organization as a condition of receiving or expending the amounts.

''(3) INDIRECT COSTS.—Notwithstanding any other provision of law, an Indian tribe or tribal organization shall be entitled to recover the full indirect costs associated with any amounts transferred to the Indian tribe or tribal organization pursuant to this Act, at the applicable indirect cost rate of the Indian tribe or tribal organization, as approved by the relevant Federal agency.''; and

(11) by amending section 16 (25 U.S.C. 3415) to read as follows:

''SEC. 16. REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.

''(a) IN GENERAL.—Not later than 3 years after the date of enactment of the Small Business Jobs and Credit Act of 2010, the advisory committee established pursuant to section 11(b)(2) shall submit to the Committee on Indian Affairs and the Committee on Finance of the Senate and the Committee on Natural Resources and the Committee on Education and Labor of the House of Representatives a report on the implementation and administration of this Act and any inter-agency or Federal-tribal conflicts in the administration of this Act.

''(b) REQUIREMENTS.—The report shall identify any barriers to the ability of tribal governments to integrate more effectively the employment, training, and related services of the tribal governments in a manner consistent with the purposes of this Act.

''(c) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of the Small Business Jobs and Credit Act of 2010, the Comptroller General of the United States shall publish a study on the feasibility of expanding the integration program established under this Act to other Federal agencies that provide funding for employment, training, and related services to Indian tribes and tribal organizations.''.

TITLE _____—HEARTH

SEC. _01. SHORT TITLE.

This title may be cited as the ''Helping Expedite and Advance Responsible Tribal Homeownership Act of 2010'' or the ''HEARTH Act of 2010''.

SEC. _02. APPROVAL OF, AND REGULATIONS RELATED TO, TRIBAL LEASES.

The first section of the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955 (25 U.S.C. 415) is amended as follows:

(1) In subsection (d)—

(A) in paragraph (4), by striking ''the Navajo Nation'' and inserting ''an applicable Indian tribe'';

(B) in paragraph (6), by striking ''the Navajo Nation'' and inserting ''an Indian tribe'';

(C) in paragraph (7), by striking ''and'' after the semicolon at the end;

(D) in paragraph (8)—

(i) by striking ''the Navajo Nation'';

(ii) by striking ''with Navajo Nation law'' and inserting ''with applicable tribal law''; and

(iii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(9) the term 'Indian tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a); and

''(10) the term 'individually owned allotted land' means a parcel of land that—

''(A)(i) is located within the jurisdiction of an Indian tribe; or

''(ii) is held in trust or restricted status by the United States for the benefit of an Indian tribe or a member of an Indian tribe; and

''(B) is allotted to a member of an Indian tribe.''.

(2) By adding at the end the following:

''(h) TRIBAL APPROVAL OF LEASES.—

''(1) IN GENERAL.—At the discretion of any Indian tribe, any lease by the Indian tribe for the purposes authorized under subsection (a) (including any amendments to subsection (a)), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary, if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

''(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

''(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years, if such a term is provided for by the regulations issued by the Indian tribe.

''(2) ALLOTTED LAND.—Paragraph (1) shall not apply to any lease of individually owned Indian allotted land.

''(3) AUTHORITY OF SECRETARY OVER TRIBAL REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any tribal regulations issued in accordance with paragraph (1).

''(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any tribal regulation issued in accordance with paragraph (1), if the tribal regulations—

''(i) are consistent with any regulations issued by the Secretary under subsection (a) (including any amendments to the subsection or regulations); and

''(ii) provide for an environmental review process that includes—

''(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

''(II) a process for ensuring that—

''(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe; and

''(bb) the Indian tribe provides responses to relevant and substantive public comments on any such impacts before the Indian tribe approves the lease.

''(4) REVIEW PROCESS.—

''(A) IN GENERAL.—Not later than 120 days after the date on which the tribal regulations described in paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

''(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the tribal regulations described in paragraph (1), the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

''(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Indian tribe.

''(5) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (3) and (4), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

''(6) DOCUMENTATION.—If an Indian tribe executes a lease pursuant to tribal regulations under paragraph (1), the Indian tribe shall provide the Secretary with—

''(A) a copy of the lease, including any amendments or renewals to the lease; and

''(B) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the Indian tribe, documentation of the lease payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (7).

''(7) TRUST RESPONSIBILITY.—

''(A) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1).

''(B) AUTHORITY OF SECRETARY.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary may, upon reasonable notice from the applicable Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under paragraph (1).

''(8) COMPLIANCE.—

''(A) IN GENERAL.—An interested party, after exhausting of any applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of the applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

''(B) VIOLATIONS.—If, after carrying out a review under subparagraph (A), the Secretary determines that the tribal regulations were violated, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust lands.

''(C) DOCUMENTATION.—If the Secretary determines that a violation of the tribal regulations has occurred and a remedy is necessary, the Secretary shall—

''(i) make a written determination with respect to the regulations that have been violated;

''(ii) provide the applicable Indian tribe with a written notice of the alleged violation together with such written determination; and

''(iii) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable Indian tribe with—

''(I) a hearing that is on the record; and

''(II) a reasonable opportunity to cure the alleged violation.

''(9) SAVINGS CLAUSE.—Nothing in this subsection shall affect subsection (e) or any tribal regulations issued under that subsection.''.

SEC. _03. LAND TITLE REPORTS—REVIEW AND REPORT TO CONGRESS.

Not later than 180 days after funds are made available for this section, the Bureau of Indian Affairs shall prepare and submit to the Committees on Financial Services and Natural Resources in the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Indian Affairs in the Senate a report regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating the Indian Land Title and Records Office (hereafter referred to as the ''LTRO'') functions from the Bureau of Indian Affairs. In conducting the review, the Bureau of Indian Affairs shall consult with the Department of Housing and Urban Development Office of Native American Programs and those Indian tribes that are managing LTRO functions (hereafter referred to as the ''managing Indian tribes''). The review shall include an analysis of the following factors:

(1) Whether and how tribal management of the LTRO functions has expedited the processing and issuance of Indian land title certifications as compared to when the Bureau of Indian Affairs managed these programs.

(2) Whether and how tribal management of the LTRO functions has increased home ownership among the managing Indian tribe's population.

(3) What internal preparations and processes were required of the managing Indian tribes prior to assuming management of the LTRO functions.

(4) Whether tribal management of the LTRO functions resulting in a transfer of financial resources and manpower from the Bureau of Indian Affairs to the managing Indian tribes and, if so, what transfers were undertaken.

(5) Whether, in appropriate circumstances and with the approval of geographically proximate Indian tribes, the LTRO functions may be performed by a single Indian tribe or a tribal consortium in a cost effective manner.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on July 21, 2010 at 9 a.m. in room SR–328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 21, 2010, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 21, 2010, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 21, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''An Update on the TARP Program.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on foreign relations be authorized to meet during the session of the Senate on July 21, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Treating Rare and Neglected Pediatric Diseases: Promoting the Developent of New Treatments and Cures'' on July 21, 2010. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m. to conduct a hearing entitled ''Charting a Path Forward: The Homeland Security Department's Quadrennial Homeland Security Review and Bottom-Up Review.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 21, 2010, at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Second Chance Act: Strengthening Safe and Effective Community Reentry.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on July 21, 2010, in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. CARDIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 21, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 21, 2010, in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—S. RES. 591

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, July 22, after any leader time, the Senate proceed to the immediate consideration of S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act; that there be 2 hours of debate with respect to the resolution, with the time equally divided and controlled between Senators HARKIN and ENZI or their designees; that no amendments or motions be in order to the resolution; that upon the use or yielding back of time, the resolution be set aside; and that upon adoption, the preamble be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the resolution be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I just have one brief comment. Senator HARKIN has been the face of the Americans with Disabilities Act for many years. He has worked so hard. He has done many things in this Capitol complex dealing with the people with disabilities. For example, the closed captioning you see, that is all Senator HARKIN. He has done wonderful work for the people of America.

I am glad he is going to have the ability to talk about it a little while tomorrow.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 83

Mr. REID. I ask unanimous consent that on Thursday, July 22, following the use or yielding back of time with respect to S. Res. 591, the Senate proceed to consideration of Calendar No. 470, H.J. Res. 83, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; that all statutory time be yielded back except for 20 minutes, with that time equally divided and controlled between Senators BAUCUS and MCCONNELL or their designees; that upon the use or yielding back of time, the joint resolution be read a third time and the Senate then proceed to a vote on passage of the joint resolution, with all other provisions of the statute remaining in effect; that upon disposition of the joint resolution, the Senate then resume S. Res. 591 and vote on adoption of the resolution, with the provisions of the order governing S. Res. 591 still in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL ADOPTION SIMPLIFICATION ACT

Mr. REID. I ask unanimous consent that we proceed to Calendar No. 330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1376) to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''International Adoption Simplification Act''.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking ''section 101(b)(1)(F),'' and inserting ''subparagraph (F) or (G) of section 101(b)(1);''.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

''(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

''(I) the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Attorney General is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Attorney General may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

''(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

''(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

''(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

''(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if enacted on April 1, 2008.

Mr. REID. I ask unanimous consent that the committee-reported substitute be considered; that a Klobuchar amendment which is at the desk be agreed to; the substitute amendment, as amended, 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 relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4498) was agreed to, as follows:

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as ''International Adoption Simplification Act''.

SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking ''section 101(b)(1)(F),'' and inserting ''subparagraph (F) or (G) of section 101(b)(1);''.

SEC. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

''(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, *Provided*, That—

''(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

''(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

''(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

''(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

''(V) in the case of a child who has not been adopted—

''(aa) the competent authority of the foreign state has approved the child's emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

''(bb) the prospective adoptive parent or parents has or have complied with any pre-adoption requirements of the child's proposed residence; and

''(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

''(iii) subject to the same provisos as in clauses (i) and (ii), a child who—

''(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

''(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

''(III) is otherwise described in clause (i), except that the child is younger than 18 years of age at the time a petition is filed on his or her behalf for classification as an immediate relative under section 201(b).''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

AUTHORIZING PRINTING OF REVISED EDITION OF NOMINATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 589.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 589) to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the

motion to reconsider be laid upon the table, 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. 589) was agreed to, as follows:

S. RES. 589

Resolved, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the document entitled Nomination and Election of the President and Vice President of the United States (Senate Document 106–16);

(2) the revised document described in paragraph (1) shall be printed as a Senate document; and

(3) there shall be printed, beyond the usual number, 600 additional copies of the revised document described in paragraph (1) for the use of the Committee on Rules and Administration.

DESIGNATING SEPTEMBER 2010 AS GOSPEL MUSIC HERITAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 590.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 590) designating September 2010 as ''Gospel Music Heritage Month'' and honoring gospel music for its valuable contributions to the culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, 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 any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 590) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 590

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2010 as ''Gospel Music Heritage Month''; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

MEASURE READ THE FIRST TIME—S. 3628

Mr. REID. Mr. President, I understand that S. 3628, introduced earlier today by Senator SCHUMER, is at the desk and is now due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3628) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. REID. I now ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, JULY 22, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 on Thursday, July 22; that following the prayer and the 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; that following any leader remarks, the Senate proceed to S. Res. 591, a resolution recognizing and honoring the 20th anniversary of the enactment of the Americans With Disabilities Act, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be up to 2 hours for debate on the Americans With Disabilities resolution to be followed by up to 20 minutes for debate on the Burmese Freedom and Democracy Act.

Upon the use or yielding back of time, at approximately 12 noon tomorrow, the Senate will proceed to a series of two stacked rollcall votes on adoption of S. Res. 591, to be followed by a vote on passage of H.J. Res. 83, the Burmese Freedom and Democracy Act.

Upon disposition of those matters, the Senate will resume consideration of H.R. 5297.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 8:56 p.m., adjourned until Thursday, July 22, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

CHRISTOPHER J. MCMULLEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ANGOLA.

JOSEPH A. MUSSOMELI, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

KAREN BREVARD STEWART, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.

THE JUDICIARY

CHARLES BERNARD DAY, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED.

KATHLEEN M. WILLIAMS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE DANIEL T. K. HURLEY, RETIRED.

DEPARTMENT OF JUSTICE

ALBERT NAJERA, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ANTONIO CANDIA AMADOR, TERM EXPIRED.

WILLIAM CLAUD SIBERT, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE RONALD HENDERSON, TERM EXPIRED.

MYRON MARTIN SUTTON, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS, VICE DAVID REID MURTAUGH.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

MICHAEL S. DEVANY

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ALFRED J. STEWART

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. HUGO E. SALAZAR

To be brigadier general

COL. WILLIAM L. GLASGOW

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. STEVEN W. DUFF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JAMES A. HOYER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. JOHN M. BIRD

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A

POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTIONS 5043 AND 601:

To be general

GEN. JAMES F. AMOS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES N. MATTIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL P. MCGAFFIGAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JOHN P. BATSON
PAUL E. BOQUET
CHRISTOPHER G. BOWEN
STEVEN M. BROOKS
AILEEN R. CABANADALOGAN
JOSE A. CANGAS
DANIEL G. CHATTERLEY
STEPHEN S. CHERRINGTON
WOO J. CHI
DANIEL H. CHONG
MARK R. CHURCH
TYLER L. CLARK
JAMES W. COBB, JR.
TIMOTHY R. COLLINS
LUIS T. CRAIG
HURYN T. DANKULICH
STEVEN V. DRYDEN
ALI R. ELYASSI
DANIEL D. ESCALANTE
DEREK A. GAUDRY
CHESTINE S. GUEVARRA
EMILIE R. GUINTO
KIMBERLY A. INOUYE
ROBERT B. IOPPOLO
SUZANNE L. JONES
AGNIESZKA KUCHARSKAFRANIA
BRETT R. LANGSTON
LYNDSAY N. LANGSTON
ADAM R. LINCICUM
ADRIAN LOBONO
YAT H. MA
BENJAMIN J. MCGOVERN
DOUGLAS T. MO
VICTOR M. MOK
STEPHEN A. MOLINARO
PHILLIP W. NEAL
LESLIE A. OAKES
BENJAMIN A. PATTERSON
TRAN B. QUACHMILLER
ERIK F. REIFENSTAHL
SHAD D. ROUNDY
SCOTT V. SCHLOFMAN
ALEXANDER SMITH
CRYSTAL J. SMITH
BRANDON SPENCER
ERIC L. SWENSON
DAVID K. WALTON
TONY K. YOON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER W. ABBOTT
ZAID I. ABDULRAHMAAN
ALFRED A. ACENAS
SHAFFIR ALIKHAN
JON W. ALTHOFF
SAMUEL S. ANCIRA, JR.
TACILDAYUS ANDREWS
MICHAEL J. ANLAGE
FAYE W. ANTHONY
CURTISS M. BAILEY, JR.
DAVID B. BAILEY
CLAUDE A. BARFIELD
JEFFERY M. BARLUP
JACKQUILINE M. BARNES
DEREK G. BEAN
LESLIE D. BEGLEY
BETH A. BEHN
JOHN C. BELANGER, JR.
MAUREEN T. BESSINGPAS
JOSEPH D. BLANDING
MARK A. BLISS
ROD L. BOLES
MICHAEL S. BOLSHAZY
WILLIAM BONILLA, JR.
PETER A. BOOKER
RALPH T. BORJA
CLARENCE O. BOSWELL, JR.
JENNIFER I. BOWER
DARRIN M. BOWSER
BARBARA D. BRACY
TERRI L. BRADLEY
FRANK D. BRIDGES
RODNEY O. BRIGGMAN
JEFFREY J. BRITTON
DARRYL B. BROWN
DERWIN A. BROWN
THELMA C. BROWN
JONATHAN D. BULSECO
DOUGLAS W. BURBEY
TODD W. BURNLEY
ELLIOTT R. CAGGINS
JEFFREY L. CALDWELL
ROBERT L. CANNADAY, JR.
STEVEN N. CAROZZA
FRANCIS J. CARR, JR.
FRAZARIEL I. CASTRO
MICHAEL J. CATHEY
DARREN L. CHARTIER
DAVID R. CHENEY II
SAMUEL CHISOLM, JR.
KERRY G. CLEMENTS
GEORGE G. CLEVELAND II
KEVIN S. COCHIE
GRAHAM J. COMPTON
JAMES L. CONATSER
JAMES M. COOK
SEAN M. COREY
CHRISTOPHER D. CORIZZO
JEFFREY J. CORTON
ENRIQUE L. COSTASOLIVERA
KEVIN L. COTMAN
JAMES R. COTTER, JR.
KIMBERLY A. COXCURRY
PETER J. CRANDALL
TERRY G. CRANK
GARY J. CREGAN
IRVING H. CROSS, JR.
ROBBIE J. CROSS
DAVID B. CUSHEN
CHRISTOPHER G. DAKE
DEXTER C. DANIEL
GARY J. DAVIS II
ROBYN R. DEATHERAGE
JOHN W. DONCHEZ
BRIAN J. DONLEY
JAMES M. DROPPLEMAN, JR.
JEFFREY J. DUDLEY
DANIEL J. DUNCAN
KEVIN A. DUNHAM
CHRISTOPHER L. DUNLAP
JON R. DURANT
MICHAEL D. EGAN
KELLY B. EILAND
STEPHEN F. ELDER
TAROLYN Y. ESKRIDGE
STEVEN R. ESTER
MICHAEL S. EVERTON
RICHARD J. FISHER
BRIAN R. FORMYDUVAL
BRIAN D. FORREST
JEFFREY L. FOSTER
BARRY J. FRANKS
RACQUEL M. GALLMAN
JAMES J. GALLUZZO III
ADRIAN GAMEZ
STEVEN GARCIA
JOSE A. GARCIAESMURRIA
ALLEN B. GARRISON, JR.
GREGORY J. GASTAN
CHARLES GATLING
TIMOTHY M. GEARHART
ISABEL E. GEIGER
ADDALYRICA Q. GEORGE
COURTNEY L. GLASS
JAMES J. GODFREY
NATHAN D. GOUBEAUX
DAVID A. GRANT
ERIN A. GRAVITT
THOMAS L. GRAVLEE
DAVID K. GREEN
SCOT W. GREIG
TIMOTHY J. GRIGGS
VINCENT E. GRIZIO
GARY A. GRUBB
MEGAN A. GUMPF
DARIN O. HAAS
RICHARD A. HALL
JIMMY W. HAMNER
ERINN S. HARDAWAY
AARON HARDY, JR.
MICHAEL R. HARPER
CHAD M. HARRIS
DEREK R. HART
MICHAEL R. HAUENSTEIN
JOEL W. HENDRICKSON
GERARD HENRY
PAUL A. HENRY
ARCHIE S. HERNDON
GREGORY T. HETZEL
JENNIFER K. HICKSMCGOWAN
LEON M. HILDRETH
HAROLD B. HODGE III
MATTHEW S. HODGE
MARCUS E. HOLLIEN
KEVIN M. HOLTON
LAWRENCE P. HOUSE III
CHARLES O. HOWALD
RICHARD C. HUBBARD
GLENN E. JENKINS
CHRISTOPHER D. JESELINK
MANUEL A. JIMENEZ
MATTHEW JOHNSON
ZANDRA L. JOHNSON
KING Y. KAO
STEPHEN L. KAVANAUGH
JIM R. KEENE
JAMES G. KENT
DENNIS W. KERWOOD
NICKOLAS T. KIOUTAS
MICHAEL S. KNAPP
JEFFREY C. KNIGHT
PETER J. KOCH
TRACY D. KOIVISTO
JOSEPH R. KURZ
ROGER D. KUYKENDALL
MICHAEL B. LALOR
JAY C. LAND
DAVINA LAUSEN
RICHARD D. LAZIK
MICHAEL J. LEGLER
KENNETH W. LETCHER
MICHELLE M. LETCHER
KARL S. LINDERMAN
BRUCE A. LLOYD
RAJESH LOBRECHT
MATTHEW C. LORENZ
RALPH A. LOUNSBROUGH
ERIK W. LOWE
NICOLE M. LUCAS
CAREY G. LUSE
OCTAVE V. MACDONALD
JASON C. MACKAY
NEIL R. MAHABIR
DANIEL M. MALONEY
RENEE L. MANN
ROBERT P. MANN
GREGORY A. MANNS
VICTOR R. MARKELL
KYLE R. MAROLF
ADRIAN A. MARSH
HOLLIE J. MARTIN
ANTHONY A. MARTINEZ
THERESA F. MASENGALE
ROBERT S. MATHEWS, JR.
KEVIN D. MCCARLEY
ROBERT E. MCCLINTOCK, JR.
TIMOTHY R. MCDONALD
WILLIAM P. MCDONOUGH
JESSE L. MCFARLAND, JR.
SCOTT M. MCFARLAND
TOMMIE T. MCGAY
JASON J. MCGUIRE
JIMMIE J. MCKINNEY
GARY S. MCLEOD
AMY M. MEEKS
BRIAN E. MEMOLI
NAOMI R. MERCER
DARREN B. MIDDLETON
ROBERT J. MIKESH, JR.
JIMMY C. MILLS
CHAD T. MITCHELL
DAVID C. MOORE
DAVID A. MOTES
JAMES D. MULLINAX
FELECIA D. MURRAY
SHAWN R. MURRAY
PATRICIA NANCE
JOSEPH A. NEUMANN
MARK T. NEUMANN
JENNIFER L. NEWLON
LEONARD J. NEWMAN III
MARCELLUS J. NEWSON
JEFFREY S. NIEMI
ALEXANDER G. NYGAARD
RONALD C. OLDANI
BRIAN K. ORWIG
JEFFREY M. OSADNICK
EDWARD J. OSPITAL
RANDALL C. PAGE
JIN H. PAK
JAMES C. PARRACK
MARIE T. PAULEY
JOSEPH H. PAULIN
ERIC W. PAVLICK
OSSIE L. PEACOCK, JR.
RALPH N. PERKINS IV
SEAN M. PICCIANO
JOHN L. PILGRIM
RICHARD A. POPE III
ROSS C. POPPENBERGER
MICHAEL T. POWELL
MARGARET H. PRATT
DAMON R. RAGSDALE
ANTONIO D. RALPH
ROBERT L. RALSTON
HOPE C. RAMPY
KEVIN J. RANTS
FRANKIE A. RAS
ANDREW M. REARDON
ONINTZA REGIL
MICHELE L. REID
MARCUS R. REINHART
KEVIN P. RESZKA
JASON G. RILEY
JOSEPH W. ROBERTS
CHRISTOPHER H. ROBERTSON
PATRICK A. ROSE
CHARLES X. ROTE
ROBERT D. ROUSE
PAUL U. ROYLE
AVERILL RUIZ
BRYAN W. RYDER
SHELLEY E. SANDERS
ARIZMENDI E. SANTIAGO
HERMANN W. SCHLORTT
MARIA D. SCHNEIDER
MATTHEW F. SCHRAMM
SHAWN C. SCHULDT
ERIC M. SCHWARTZ
CARMELIA J. SCOTTSKILLERN
ZABRINA D. SEAYMAYNARD
LAWRENCE M. SEWARD
KENNETH W. SHEETS
TALMADGE C. SHEPPARD
THEODORE B. SHINKLE
WILLIAM J. SHINN, JR.
TERRY D. SIMMS

SANDRA L. SIZEMORE
RICKY L. SKEEN
DONALD E. SMITH
JAMES R. SMITH
QUENTIN L. SMITH
JONATHAN E. SPEARS
CHARLONE E. STALLWORTH
RODGER M. STALLWORTH
TERESA L. STARKS
JAMES M. STEPIEN
LESLIE E. STONEHOCKER
MICHAEL E. STUBER
RODRIDGUEZ L. STUCKEY
SHANE M. SULLIVAN
STEPHEN K. SULLIVAN
NATHAN M. SWARTZ
JAMES B. SWIFT
KEITH L. TAYLOR
PATRICK E. TAYLOR
CALVIN C. THOMAS
KIM M. THOMAS
LENARD E. THOMAS II
STEVEN L. THOMAS
ANTHONY M. THORNTON
BOYD J. TOMASETTI
GREGORY A. TOROK
GREGORY S. TOWNSEND
DAVID S. TROUTMAN
ANDRE V. TUCKER
JERONALD M. TUELL
LINDA F. TURK
JOSE A. VALENTIN, JR.
GRANT A. VAUGHAN
MARC A. WALKER
JOSHUA F. WALSH
DINA S. WANDLER
MONICA P. WASHINGTON
PAUL A. WEBB
JOHN L. WEDGES III
PAUL I. WEIZER
JEANINE M. WHITE
SCOTT A. WHITE
RICHARD WHITTINGSLOW
BRADLEY A. WILLIAMS
MATTHEW D. WILLIAMS
HERBERT RAY WILLINGHAM, JR.
CAMILLA A. WOOD
CHRISTOPHER D. WOOD
DEAN W. WOOD
HARVEY L. WOODBURY, JR.
JOSEPH E. WORLEY, JR.
GARVEY A. WRIGHT
PATRICIA K. WRIGHT
MICHAEL A. YERKIC, JR.
CODY L. ZILHAVER
D005965
D010235
D003826
D005667
D006195
D010215
D005987

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

MATTHEW C. ABOUDARA
JASON L. ACEVEDO
KYLE D. AEMISEGGER
MATTHEW L. AGIUS
JOSEPH A. ALDRICH
JOHN J. ANDERSON
IVAN J. ANTOSH
DAVID T. ARMSTRONG
MARIE A. ARRINGDALE
MICHAEL I. ASIKE
MICHAEL J. ATTILIO
NIMAE N. AWANTANG
FERDINAND K. BACOMO
BENJAMIN L. BAKER
ESHITA M. BAKSHI
STEVEN R. BALLARD
JOHN B. BALMAN
PAUL B. BANDELIN
DARRELL F. BARKER
JESSE J. BARONDEAU
CORINNA BARTOS
SETH L. BARUFFI
TERRY A. BATEMAN
TIMOTHY S. BATIG
BENAKAR F. BATISTA
ELEANE M. BEADLE
WESLEY C. BEAUREGARD
LINDA C. BENAVIDES
KATHERINE B. BENTON
SLAVOMIR A. BILINSKI
DONALD J. BLAIR
JASON M. BLAYLOCK
JARED J. BLUM
MICHAEL R. BOIVIN
BRIAN M. BOLDT
SARAH E. BOUCHER
BRIAN W. BRENNAN
LIONEL R. BROUNTS
TIMOTHY P. BROWN
SILVIA BURGESS
RACHEL A. BURKE
OLEN B. BURNS
JASON K. BURRIS
VINCENT F. CAPALDI
NATHAN A. CARLSON
BHAVINI H. CARNS
MELINDA L. CAROL
JENNIFER L. CARTWRIGHT
DANIEL G. CASH
MARK A. CAUSIN
MIN H. CHANG
SCOTT E. CHERRY
JOSEPH A. CHIARA
MELISSA N. CHIARELLI
MEGAN L. CHILDS
JOON K. CHOI
TRACY A. CLARDY
AARON J. CLARK
REBEKAH CLIFFORD
VINCENT T. CODISPOTI
JENNIFER W. COLE
WILLIAM A. COOPER
WILLIAM C. CRAGUN
COURTNEY M. CRAWFORD
KEVIN M. CRON
DEBORAH J. CROWLEY
CHAD M. CRYER
CHRISTOPHER E. CURTIS
ROBERT L. CZECH
LEO J. DAAB
PATRICK E. DAVIS
KENNETH B. DEKAY
HEATHER M. DELANEY
RICHARD R. DELANEY
JAVIER E. DELATORRE
JENNIE L. DEMBSKI
AARON J. DENT
RAMONA A. DEVENEY
MICHAEL S. DIRKS
JASON E. DOMAGALSKI
JEREMY P. DOMANSKI
THOMAS C. DOWD
JOHN W. DOWNS
DOUGLAS M. DUDEWICZ
KYLE G. DUNNING
HYRUM F. DURTSCHI
AARON D. DYKSTRA
TOBIN T. ECKEL
JASON W. EDENS
ANDREW M. ELLEFSON
CHRISTOPHER L. ELLIOTT
KORBOI N. EVANS
JOHN EVERETT
CARLOS A. FELICIANO
JASON L. FERGUSON
SHELLY C. FERRELL
CHRISTOPHER H. FINCH
DAVID A. FISH
PHILLIP T. FIVECOAT
KATINA M. FOSEN
SARAH M. FRIOUX
NATHAN L. FROST
VINCENT T. FRY
JEREMY D. GATES
RICHARD J. GESHEL
SUZANNE M. GILLERN
JESSIE S. GLASSER
FRANKLIN W. GOLDWIRE
MONICA V. GONZALES
DAVID M. GORDON
MANJU GOYAL
MELISSA A. GRANT
JOHN C. GRAYBILL
BRIAN P. GREEN
SCOTT P. GROGAN
MARLENE E. GUBATA
JENNIFER L. GURSKI
KEVIN B. GUTHMILLER
DANIEL C. HAGEN
OMAR S. HAJIBRAHIM
JONATHAN HALL
BRADLEY K. HARRISON
KELLIE HAWORTH
AATIF M. HAYAT
JESSE J. HEER
THERESA A. HEIFERT
MATTHEW O. HEISEL
JOHN HELLUMS
MICHAEL D. HENDERSON
TIMOTHY J. HEPLER
SHERIFAT A. HINCHEY
JACOB S. HOGUE
DANIELLE HOLT
SHERI L. HOWZE
BONNIE S. HUBER
JULIE A. HUNDERTMARK
MICHAEL V. HUPPMANN
BENJAMIN J. INGRAM
RICHARD K. JACOB
ERIC J. JACOBSON
AENEAS JANZE
TIMOTHY V. JARDELEZA
CHRISTINE M. JONES
DARRELL E. JONES
HAKU KAHOANO
GEORGE J. KALLINGAL
RONALD J. KEMBRO
JENNIFER N. KENNEDY
TAMIE L. KERNS
NANCY L. KESEK
JENNIFER S. KICKER
ANDREW S. KIM
YU H. KIM
JENNIFER L. KNIGHT
TRISTAN L. KNUTSON
TROY S. KOCH
BRADLEY L. KOCHER
MATTHEW P. KOZMINSKI
DEVON R. KUEHN
REED B. KUEHN
CHRISTOPHER J. KULHAVY
MATTHEW T. KUNAR
LANCE M. KUNZ
SUZANNE LAM
PAUL B. LAMB
MATTHEW D. LARREW
DAVID C. LARRYMORE
ALAN R. LARSEN, JR.
THEODORE LAWLER, JR.
SVETLANA C. LAZARO
KAREN A. LEEDOM
RYAN K. LEHMANN
ROBERT J. LEJAWA
LEONARD J. LEO
KELLY E. LESPERANCE
KIRK N. LIESEMER
GEORGE F. LIN
MATTHEW P. LINK
LAKEESHA L. LOCKETT
WILLIAM J. LOWERY
KANG LU
DAVID LYNN
THOMAS R. MAGRA
PATRICK J. MALAFRONTE
RENEE M. MALLORY
JOHN G. MANCINI
TAMMY J. MANTZOURIS
NATHAN A. MARSH
DANIEL J. MARTIN
TINA M. MASCARENHAS
BRENDAN D. MASINI
KERI L. MASON
TRAVIS MASON
JOSEPH M. MATTHEWS
JEREMY C. MAULDIN
JOSEPH P. MAZZONCINI
TODD J. MCARTHUR
PATRICK S. MCDONOUGH
SHANE P. MCENTIRE
BRUCE C. MCGEE
ANASTASIA M. MCKAY
JAY H. MCKENNA
MATTHEW F. MCNEILL
ANDREW R. MEDENDORP
BRYCE MEYERS
GARRETT J. MEYERS
SHAUN R. MILLER
LEX A. MITCHELL
MICHAEL R. MOORE
MELANIE L. MORIN
AMBER A. MORRIS
DERICK A. MUNDEY
THOMAS A. MYRTER
JEREMY NAPLES
JOSEPH R. NARVAEZ
ANDREW F. NELSON
HEATHER R. NEWLON
DUONG T. NGUYEN
JAMISON S. NIELSEN
LEAH M. OCHOA
ELISA D. OHERN
PRESTON S. OMER
JENNIFER M. ORR
KRISTOPHER M. PAOLINO
TIFFANY N. PATTERSON
NADIA M. PEARSON
DANIELLE M. PESCE
ROGER K. PFEIFFER
DAVID H. PHAM
KATHERINE Q. PHILLA
CHRISTOPHER A. PICKETT
CLOVIS W. PITCHFORD
KYLE E. PLATZ
TORIE C. PLOWDEN
CLIFFORD F. PORTER
GREGORY J. POSTAL
THOMAS M. PULLING
GREGORY E. PUNCH
JAY PYO
AARIC L. QUEEN
ADAM W. RACUSIN
HERNANDEZ I. RAMIREZ
LUIGI K. RAO
DREW A. REESE
JUSTIN S. REID
MICHAEL J. REITER
ANDREW B. RHODES
KEVIN R. RICE
AUTUMN M. RICHARDS
JOSEPH ROARTY
CRAIG H. ROBSON
CHRISTOPHER R. RODRIGUEZ
CHRISTOPHER S. ROMAN
LAUREN S. ROMAN
MICHAEL B. ROSE
MICHAEL J. ROSSI
LLOYD A. RUNSER
CHRISTINE E. RYAN
ADAM SAENZ
ANNE T. SALADYGA
BETH A. SALYER
AMIT K. SANGHI
JASON E. SAPP
DEBJEET SARKAR
JASON E. SAUCEDO
JEFFREY A. SAVAGE
MICHAEL SAVINO
ETHAN W. SCOTT
DAVID M. SEDORY
ALISON L. SEMANOFF
ANITA A. SHAH
NICOLE M. SHERMAN
JUSTIN M. SHIELDS
TODD SIMON
NOVAE B. SIMPER
MATTHEW L. SLANE
EARL J. SMITH
JASON D. SMITH
MARK E. SMITH
RYAN M. SMITH
DANIEL J. SOLVERSON
CHRISTOPHER K. STALEY

HEATHER A. STEELE
DANIEL F. STEIGERWALT
ADAM D. STERLACE
JAMES B. STERNER
EMILIE K. STICKLEY
MICHAEL E. STOUDMIRE
GREGORY S. SUGALSKI
SHANE M. SUMMERS
AMANDA D. SUMNER
CHEN L. SUNG
MICHAEL J. SUPERIOR
MICHELLE E. SZCZEPANIK
KEVIN M. TAYLOR
LELAND D. TAYLOR
SARAH K. TAYLOR
BRETT J. THEELER
JARED M. THELER
DAVID C. THOMA
LESLI K. THOMAS
AMY M. THOMPSON
SAIOA TORREALDAY
CHRISTOPHER L. TRACY
DAVID N. TRICKEY
TRAM T. TRUONG
ALBERT F. TSAI
JOHN W. TSAI
ZACHARY S. TURNER
JAMES V. TWEDE
RUSH M. TWILLEY
ERIC G. VERWIEBE
RACHEL VILLACORTALYEW
PATRICK J. VOORHEES
BRENT D. WALL
THOMAS R. WALTER
LESLIE L. WEEKS
CHRISTOPHER A. WEISSMAN
JUSTIN M. WELLS
PRISCILLA WEST
JENNIFER A. WHEELER
KATHRYN K. WHIGHAM
DEVIN WILES
MICHAEL J. WILHELM
AARON D. WILLIAMS
THOMAS R. WILLIAMS
KAREN L. WILSON
JOSEPH E. WISE
ALISON C. WORTMAN
NICOLAS A. WOZMAK
KENG J. WU
ATOR YACOUB
VLADIMIR YAKOPSON
JOSEPH R. YANCEY
DUKE G. YIM
DAVID J. YOO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

PETER M. ABBRUZZESE
JOHN E. ADAMS
THOMAS J. ADDYMAN, JR.
TOMMY K. ALDERMAN
DANIEL M. ALLEN
WHITNEY P. ALLEN, JR.
SAMUEL H. AMBER
EDWARD G. ANDERSON IV
AARON A. ANDREWS
PHILIP R. ARCHER
RANDALL J. ARVAY
JOHN R. ATHEY
BRIAN P. BAILEY
HARPREET S. BAINS
CHARLES R. BARBER, JR.
DIRK P. BARBER
THOMAS M. BAUCHSPIES
STEVEN D. BEAUMONT
RALPHAEL R. BELL, JR.
DANIEL J. BENICK
DANIEL T. BENNETT
ROBERT E. BERG
MICHELLE L. BIENIAS
DAVID D. BIGGINS
DEVON M. BLAKE
KENNETH A. BLAYLOCK
JAMES T. BLEJSKI, JR.
ANDREW J. BLISS
MEGAN A. BOGLEY
NATHAN J. BOLLINGER
BA K. BOOZE
TIMOTHY B. BORGERDING
KEVIN T. BOSCH
ROBERT J. BOWEN
JOHN C. BOYARSKI
ADAM J. BOYD
GREGORY L. BOYLAN
ANDREW S. BRAGG
STEPHON M. BRANNON
KAREN L. BRIGGMAN
JAMES D. BRINSON
ALVIN H. BROWN
COREY L. BRUMSEY
JASON A. BRYAN
JOEL M. BUENAFLOR
STEPHEN J. BURR
MARTY T. BUTTS
LUKE T. CALHOUN
BRANN G. CALVETTI
CHARLES B. CHALFONT
STEVEN B. CHAMBERS
PATRICK C. CHAVEZ
JOHN S. CHU
ANTHONY T. CLEMENTE
NATHAN S. CLINE
BETH L. CLUKEY
WILLIAM G. COLBERT
FAREN R. COLE
DARRELL W. COLLINS
ANTHONY C. COMELLO
DORIAN A. COOPER
KENNETH D. CRAWFORD
ANDREW P. CREEL
KEVIN K. DAMON
RICHARD E. DANNER, JR.
CHADWICK G. DAVIS
CHARLES E. DAVIS
JEFFREY S. DAVIS
MICHAEL A. DAVIS
SCOTT T. DAVIS
VAUGHN D. DELONG
DEAN H. DENTER
GEORGE L. DEUEL
PHILLIP J. DEVRIES II
NICHOLAS J. DIFIORE
JAMES B. DILLONAIRE
RICHARD F. DIMARCO
RAMONA L. DISCAVAGE
JOSEPH E. DONALBAIN
JEFFREY T. DOUDS
MICHAEL B. DRAPER
DARRELL W. DRIVER
DAVID M. DUDAS
WILLIAM J. DUGGAN III
CHARLES J. DUGLE
CHAD M. DUHE
GREGORY L. DUTKA
ROBERT P. DYE
DARIN R. EADES
JESSE L. EASTER
ERVIN W. EDDINGS, JR.
DAVID G. ELDER
CHRISTOPHER J. EMOND
ROBERT E. ERIKSEN
DONALD R. ESSER
CHARLES D. EVANS
GARY A. EVANS
TROY L. EWING
WILLIAM M. FAIRCLOUGH
KEVIN N. FAUGHNDER
STUART T. FAULK
RYAN J. FAYRWEATHER
PETER H. FECHTEL
JOHN M. FERRELL
SCOTT W. FITZGERALD
WILLIAM G. FITZHUGH
WILLIAM S. FLEMING
ANDREW S. FLETCHER
JOHN K. FOLEY
GREGORY J. FORD
CALONDRA L. FORTSON
HERIBERTO GALARZAGONZALEZ
JOHN P. GALLAGHER
RANDY A. GARRIDO
JOHN D. GAZZELLI
LAWRENCE E. GILL II
KENNON S. GILLIAM
VINCENT S. GOLEMBESKI
WILLIAM C. GOTTMEIER
SCOTT D. GRANT
JOHN P. GREGOR
JEFFREY S. GRIBSCHAW
GREGORY G. GRIFFIN
JEFFREY C. GROSKOPF
JOSEPH W. GROSS
JESUS E. GUERRA
JULIAN GUERRERO
JOSEPH E. GUZMAN
GLEN E. HADAWAY III
DON R. HALL
JAMES M. HARDAWAY
JERAD I. HARPER
BRIAN D. HARRIS
KENNETH D. HARRISON
PETER G. HART
JOSEPH E. HARTEL
TIMOTHY W. HARTMAN
KEITH W. HAUFLER
ADAM R. HAUGHEY
ERIC F. HAUPT
DAVID J. HAYES
KENNETH G. HAYNES
CHRISTOPHER D. HAZEN
LANCE E. HEADRICK
MICHAEL T. HEATON
AARON D. HEIMKE
WILLIAM A. HENDERSON
GERARDO HERNANDEZPABON
MICHAEL C. HERRERA
CHRISTOPHER J. HICKEY
VANESSA F. HICKSCALLAWAY
TRISTAN S. HIGGINS
KEVIN L. HILL
ANDREW J. HITTNER
BRIAN E. HITTNER
EDWARD L. HOBBS
ROBERT U. HOFFMAN
DAVID A. HOFFS
FREDERICKA C. HOLT
ADRIAN D. HOPE
BRITTON T. HOPPER
TODD R. HOURIHAN
PAUL D. HOWARD
ALBERT Y. HUANG
PETER B. HUIE
MICHAEL S. HUNTER
KAREN E. JACKSON
CHAD T. JAGMIN
KYLE F. JETTE
BRION L. JOHNSON
MARION JOHNSON, JR.
ROBERT D. JOHNSON
STEVEN K. JONES
IRA I. JOSEPH
DERYCK L. JULIEN
JASON R. KALAINOFF
MELINDA Z. KALAINOFF
ANDREW D. KAMINSKY
BRENT A. KAUFFMAN
PATRICK N. KAUNE
KENNETH G. KEMMERLY
RANDALL E. KESSELRING
ARPAD KISCH
LAURA L. KNAPP
GEORGE M. KNEUPER II
PETER G. KNIGHT
KENNETH W. KNOWLES
MICHAEL G. KNOWLTON
KENT A. KORUNKA
JOHN M. KOSTUR
ALAN H. KRAL
ZOLTAN L. KROMPECHER
MICHAEL J. KULIKOWSKI
ADRIEL C. LAM
CARL A. LAMAR
DAVID J. LAMBRECHT
DAVID R. LAMY
ERIC D. LARKIN
HAROLD L. LAROCK II
JONATHAN S. LARONDE
RYAN C. LAWRENCE
TARA R. LEE
TODD M. LEITSCHUH
RICHARD H. LEMAY
TIMOTHY J. LEMLEY
CHARLES W. LEWIS
TROY D. LEWIS
CLOYD D. LILLEY
JOEL S. LINDEMAN
ROBERT H. LINDSEY, JR.
ABIGAIL T. LINNINGTON
MICHAEL R. LIVERPOOL
CHRISTOPHER J. LOMBARDI
DAVID F. LONGBINE
SAMUEL LOPEZSANTANA
FREDERICK E. LORA
JOYCE M. LUGRAIN
ROBERT LUTZ
DAVID S. LYLE
MICHAEL R. MAAS
DANIEL W. MACKLE
ANDREW F. MACLEAN
LUCIO E. MALDONADO, JR.
LOUIS R. MANNING
THOMAS D. MANZ
MICHAEL P. MARTEL
WENDY D. MARTIN
MARK W. MATTEI
JOSEPH G. MATTHEWS
JENNIFER A. MCAFEE
RYAN M. MCCABE
SHON A. MCCORMICK
TERRENCE J. MCGRAW
STEPHEN R. MCHALE
FRANK D. MCKINNIS
INGO MCLEAN
CLYDE M. MCNALLY
THOMAS A. MCNALLY
KRISTIN A. MEANS
WILLIAM H. MENGEL, JR.
JOHN J. MEYER IV
LAWRENCE G. MICKLUS
FERNANDO D. MIGUEL
IRA E. MIKESELL
MARK D. MILES
KIMBERLY K. MILLER
TRENT I. MILLS
DOUGLAS A. MOHLER
THOMAS P. MORAN
GREGORY L. MOTES
DANIEL E. MOUTON
JONATHAN C. MUENCHOW
CHRISTOPHER W. MULLER
BRIAN C. MURPHY
BRUCE A. MURPHY
JOHN P. MURPHY, JR.
STEPHEN M. MURPHY
MICHELLE M. MURRAY
BRUCE W. MYERS
DAVID M. MYRDA
KEITH L. NELSON
TRACY A. NESBITT
BERTON R. NEWBILL
THONG H. NGUYEN
ALI N. OMUR
DENNIS P. ONEIL
OKAL A. ONYUNDO
MATTHEW D. OWENS
TONY A. OWENS
KEVIN D. PACE
FRANCIS J. PARK
INGRID A. PARKER
THOMAS PATRINICOLA
GLENN J. PAULINO
ISAAC B. PEAY III
JUAN J. PENA
OSA D. PENNY III
ROBERTO PEREZ
ROBERT M. PETERS
JOSEPH N. PLESH
JOHN POCHINSKI
PAUL POWELL
STEVEN M. POWELL
MARK L. PRALAT, SR.
JAREN K. PRICE
DONALD L. PRIOLEAU
RICHARD A. QUINBY
JUAN D. QUINTERO
PAUL W. RADTKE
VANESSA K. RAGSDALE
LANCE C. RASMUSSEN

HEATHER L. REED
JAMES W. REED IV
ERIC M. REMOY
MARY M. REZENDES
BRETT J. RIDDLE
SCOTT W. RILEY
MATTHEW C. RINKE
WILEY P. RITTENHOUSE
CRAIG T. RIVET
ALFRED S. ROACH
JOSEPH F. ROACH
JARED D. ROBBINS
GEORGE H. ROBERTS III
JOSEPH ROBERTS
RODNEY C. ROBERTS
JEFFERY D. ROBERTSON
CHARLES D. ROBINETTE
TRAVIS C. ROBINETTE
ADRIAN L. RODRIGUEZ
CHRISTOPHER RODRIGUEZ
JOHN H. ROGAN
WILLIAM G. ROGERS, JR.
MATTHEW A. ROMAGNUOLO
TIMOTHY S. ROSE
JOHN P. ROTIER
DAVID G. RUITER
SCOTT M. RUSH
ROBERT T. RUSTAD
RANDY D. RUSTMAN
JERMAIN R. SABBATT III
THOR P. SADLER
STEVEN M. SALLOT
WELLINGTON W. SAMOUCE
AARON A. SAMPSON
MARK S. SAPHIR
PATRICIA K. SAYLES
CHAD C. SCHOOLS
PATRICK X. SCHREIBER
JEFFREY M. SCHROEDER
JERRY R. SCRIVEN, JR.
STEVEN E. SEXTON
STEPHEN T. SHORE
DEIDRA E. SIDDALL
MICHAEL J. SIMPSON
CHRISTOPHER L. SMITH
GREGORY K. SMITH
MATTHEW P. SMITH
ROBERT C. SMITH, JR.
DEAN R. SOMERS
RUTH J. SONAK
RICHARD J. SPANARD
JEFFREY S. SPEAR
RICHARD C. SPENCER, JR.
DWAYNE T. STANTON
RALPH L. STEEN
GLENDA M. STEWARD
DARLENE M. STRAUB
BRIAN C. STRIDER
BRIAN L. STUCKERT
JOHN F. SULLIVAN III
JOHN S. TAITANO, JR.
STEPHEN P. TALBOTT
ADAM S. TALKINGTON
MICHAEL S. TARQUINTO
JOSEPH R. TAYLOR III
RICHARD I. TAYLOR IV
COREY M. TEJCHMA
DIANNA N. TERPIN
SAKURA S. THERRIEN
JOSEPH J. THOMAS, JR.
ERIC S. THOMPSON
DARIN J. THOMSON
DOUGLAS E. THORNTON
TIMOTHY N. TIMMONS
ERIC S. TOLLEFSON
MARIO TORRES
THEODORE F. TRAVIS
STEPHEN R. TREANOR
EARLE C. TROTT
DEITRA L. TROTTER
MICHAEL A. TRUE
PAUL W. TURNBULL, JR.
MICHAEL J. UFFORD
RICHARD D. VANGORDEN
RANDAL R. VASQUEZ
DANIEL L. VELAZQUEZ
BRIAN D. VILE
DANIEL J. VINSAND
JENNIFER J. WABALS
KARIN A. WAGNER
ANTHONY T. WALKER
BRITTIAN A. WALKER
JAMES P. WALSH
PAUL B. WALTON
HENRY H. WANG
RICHARD I. WARD
CAMERON W. WEATHERS
ROBERT B. WENGER
GUY E. WETZEL
JOHN N. WHILDEN
GENE P. WHITESIDES
WARREN J. WHITMIRE
LISA D. WHITTAKER
JAMES L. WILKINSON
DESMOND R. WILLIAMS
HENRY T. WILLIAMS III
PETER B. WILSON
TERRY A. WINDMILLER
JASON M. WINTERLE
DAVID O. WISEMAN
MARC D. WOOD
WARREN R. WOOD
RICHARD M. WRONA, JR.
MICHAEL F. YANKOVICH
SAMUEL YBARRA
JOHN B. YORKO
JAMES C. YOUNG
MARCUS R. YOUNG
ROBERT E. YOUNG
DOUGLAS E. ZADOW
JOHN J. ZAVAGE
JUAN C. ZAVALA
DANIEL N. ZEYTOONIAN
WALTON D. ZIMMERMAN
JERZY S. ZUBR
D001832
D002240
D001792
D004239
D010020
D001441
D010237
D006343
D006000
D010270
D001530
G001433
G001263
G001295
G001383
G010047
G001447
G001000
G001147
G001178
G001388

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSE C. ACOSTAJAVIERRE
TAMMY R. ALATORRE
SARAH K. ALBRYCHT
DAVID J. ALLEN
JAMES C. ALLEN
JEFFREY W. ALLEN
DAVID K. ALMQUIST
DAVID T. AMBROSE
JEFFREY S. AMOS
BRENDEN C. ANDERSON
DOUGLAS W. ANDRESEN
MIGUEL A. APONTERODRIGUEZ
KIRK A. APPLETOFT
BETHANY C. ARAGON
THOMAS D. ASBERY
EDWARD P. ASH
PATRICK C. ASPLAND
ERIC S. ATHERTON
ADAM J. AUGUSTOWSKI
AMANDA I. AZUBUIKE
MAYCROS I. BAEZ
DESMOND V. BAILEY
TOMMY D. BAILEY, JR.
PHILLIP C. BAKER
ROBERT F. BALDWIN
JAY F. BALL
RICHARD J. BALL
ROBERT S. BALLAGH III
JAMES B. BARTHOLOMEES
BRAUM P. BARTON
ROBERT B. BASHEIN
ERIC A. BAUS
KYLE W. BAYLESS
CHAD A. BEASINGER
JONATHAN R. BEASLEY
SLADE H. BEAUDOIN
JOHN C. BECKING
BRIAN T. BECKNO
TIMOTHY M. BENINATO
KIMBERLY A. BENNETT
ERIK M. BERDY
ROBERT S. BERG
CARL L. BERGMANN
BARRETT M. BERNARD
PAUL T. BERQUIST
JEFFREY P. BEVINGTON
MICHAEL A. BIANCHI
DWYKE A. BIDJOU
MARK R. BIEHL
NATALEE M. BIRDSELL
MICHAEL J. BIRMINGHAM
FREDERICK H. BLACK, JR.
RONALD C. BLACK
TIMOTHY G. BLACKWELL
JONATHAN A. BLAKE
JOHN F. BLANKENHORN
DARIN J. BLATT
JASON B. BLEVINS
MATTHEW A. BOAL
NATHAN M. BOND
ROBERT S. BOONE III
JEFFERY G. BOUMA
JOSEPH A. BOWMAN
ALAN J. BOYER
DAVID E. BRADLEY, JR.
ERIC L. BRADLEY
MATTHEW W. BRAMAN
JEFFREY G. BRAMLETT
DAVID M. BRESSER
BLAKE F. BREWER
JASON T. BRIDGES
JASON M. BRIZEK
ROBERT E. BROOKS
ANDREW R. BROWN
KELVIN D. BROWN
KEVIN D. BROWN
CHARLES D. BROWNING
CHRISTOPHER L. BUDIHAS
ALFRED T. BUFFINGTON
KEVIN P. BURKE
TODD A. BURKHARDT
WILLIAM G. BURNETT
BARRETT A. BURNS
DOUGLAS T. BURRUSS
JONATHAN C. BYROM
RODNEY D. CAIN
PAUL R. CALLAHAN
ERICH G. CAMPBELL
ROMAN J. CANTU
THOMAS E. CARLSON
THOMAS G. CARONA
STEVEN P. CARPENTER
WILLIAM J. CARR
HELENE A. CARRAS
CHAD G. CARROLL
ERIC A. CARVER
JAMES P. CASTELLI
BASIL J. CATANZARO
RAY M. CERALDE
NEIL T. CHAFFEE
WILLIAM L. CHANADY III
JERRY E. CHANDLER, JR.
CHARLES K. CHANG
CHAD E. CHASTEEN
DAVID C. CHIARENZA
STEVEN N. CHO
JESUS C. CHONG
STEVE C. CHONG
CHAD Q. CHRISTMAN
JOSEPH J. CIESLO
JORGE L. CINTRONOLIVIERI
JAMES M. CLARK
ROBERT J. CLARK
STEVEN M. CLARK
THOMAS D. CLARK
CLYDE S. COCHRANE III
JOHN P. COGBILL
JASON M. COLBERT
ROLANDA D. COLBERT
GREGORY J. COLE
JOHN E. COLE
CRAIG N. COLLET
RAHHSHAHUN COLLEY
DENNIS P. COLLINS
PATRICK T. COLLOTON
SCOT A. COLVER
CHRISTOPHER D. COMPTON
WILLIAM M. CONDE
MATHEW M. CONDRY
JAMES R. CONNALLY
BRIAN K. CONNER
JAMES L. CONNER
MARY J. CONSTANTINO
CLINTON J. CONZEMIUS
DENISE L. COOK
WILLIAM W. COPPERNOLL
RICHARD S. CORREZ
ERNESTO A. CORTEZ
ROBERT F. COSGROVE
ALBERT M. COSTELLO
WILLIAM D. COTTY
KEVIN E. COUNTS
CLINTON W. COX
RICHARD R. COYLE
JEFFREY S. CRAPO
GORDON R. CRAWFORD
JAMES D. CRAWFORD III
MICHAEL A. CRAWFORD
SHAWN P. CREAMER
DALE S. CROCKETT
COREY L. CROSBIE
MANUEL CRUZ
PAUL E. CUNNINGHAM II
RODERICK R. CUNNINGHAM
CHRISTOPHER S. CUTLER
JOHN D. DALBEY
LAWRENCE J. DALEY
TRENT R. DARLING
COLANDERS DARRISAW
H. W. HUGH DARVILLE
RICHARD B. DAVENPORT
DIEGO DAVILA
JOSE R. DAVILAFORTI
CHRISTOPHER L. DAVIS
GEORGE W. DAVIS
JOHNNY W. DAVIS
CURTIS L. DECKER
GILBERT F. DEIMEL
VICTOR J. DELACRUZ
THOMAS R. DELAGARZA
RONNIE L. DENSON
JAMES A. DEORE, JR.
ANDREW A. DEWEES
LARRY C. DEWEY, JR.
OSCAR F. DIANO
EDWIN C. DIAZ
ELIUD DIAZ
MARCUS K. DICKINSON
ROLAND H. DICKS
BENJAMIN T. DIMAGGIO
JAMES E. DIMON
ROBERT C. DONNELLY
AARON L. DORF
EDWARD G. DOUGLAS
OSCAR W. DOWARD
LYNN E. DOWNIE
DAVID H. DOWNING, JR.
WILLIAM S. DOWNING
BRIAN J. DOYLE
JOHN P. DREW
ERIC J. DUCKWORTH
ERIC K. DUNAHEE
JOSEPH W. EDSTROM
MICHAEL T. EGGERS
CHARLES B. ELDREDGE
JOSEPH W. ELLISON III
JOHN E. ELRICH
MARK C. ENGEN
WILLIAM J. EPOLITO

BRIAN B. ETTRICH
LEE H. EVANS
ROBIN K. FARMER
TIMOTHY L. FARMER
SEAN E. FARRAR
JAMES A. FAULKNOR
DAVID A. FEDROFF
MICHAEL E. FERET
LAWRENCE G. FERGUSON
GEORGE G. FERIDO
SCOTT T. FIGLIOLI
NATHAN S. FISCHER
GARY D. FITTS
SCOTT FLANDERS
LAURALEE FLANNERY
ERIC C. FLESCH
DAVID C. FOLEY
DOYLE A. FONTENOT
ROLAND C. FORD III
ROBERT B. FOUCHE
MATTHEW J. FOX
LADARYL D. FRANKLIN
PARKER L. FRAWLEY
PAUL J. FREDERICK
MICHAEL D. GAFFNEY
PHILLIP K. GAGE
BLAISE L. GALLAHUE
WILLIAM S. GALLAWAY
JOSE L. GALVAN, JR.
ANTOINETTE R. GANT
JESUS D. GARCIA
DAVID W. GARDNER
HILTON B. GARDNER
JASON G. GARDNER
CURTIS L. GARNER II
CHARLES E. GETZ, JR.
WILLIAM R. GIBBS
CURTIS GIBSON
MICHAEL C. GIBSON
KENNETH R. GIRARDI
NICHOLAS H. GIST
MARK D. GLADNEY
LARRY E. GLASSCOCK
TROY L. GLAZIER
JAN K. GLEIMAN
JASON C. GLICK
JEFFREY R. GOLDBERG
CHARLES V. GOLEK
VICTOR R. GOLLHOFER
YUSEF E. GOOD
KENNETH S. GOODPASTER
SARAH M. GOODSON
JEFFREY P. GOTTLIEB
MATTHEW E. GRADY
PHILIP E. GRAHAM
DARRELL M. GRAY
BRIAN R. GREATA
CHANNING M. GREENE
GEOFFREY D. GREENE
JAMES O. GREGORY
STEPHEN M. GRENIER
CHRISTOPHER A. GRICE
SHANE M. GRIES
ROBERT T. GRIFFIN
DWIGHT R. GRIFFITH, JR.
TERRY L. GRIFFITH
ROBERT F. GRIGGS
CHRISTOPHER J. GROSE
FERNANDO GUADALUPE, JR.
DAVID J. GUTHRIE
KATHERINE P. GUTTORMSEN
KYLE H. HADLOCK
DEAN B. HAGADORN
SAMUEL J. HAGADORN
BRIAN M. HAGER
DECKER B. HAINS
THOMAS B. HAIRGROVE, JR.
MICHAEL A. HALES
HOWARD P. HALL
SCOTT M. HALTER
DAVID T. HAMANN
DANIEL C. HAMILTON
MICHAEL L. HAMMERSTROM
JASON M. HANCOCK
CHRISTOPHER J. HANNA
GORDON D. HARRINGTON
OMEGA A. HARRIS II
BRIAN J. HARTHORN
SAMUEL L. HARVILL
OLIVER L. HASSE
VAUGHN E. HATHAWAY
ROBERT J. HAUPT
JOHN M. HAWKINS
ANDREW C. HAYES
EDWARD B. HAYES, JR.
JAMES E. HAYES
PAUL R. HAYES
CHRISTOPHER A. HEBERER
DAVID E. HECKERT
TAMARA L. HEDBERG
RICHARD G. HEIDORN II
BRADLEY D. HELTON
VALERIE D. HENDERSON
PAUL A. HENLEY
BARTHOLOMEW J. HENNESSEY III
ROBERT B. HENSLEY
TY A. HENSLEY
RAYMOND J. HERRERA
DANIEL H. HIBNER
DAVID R. HIBNER
JEFFREY D. HICKS
BERNARD K. HILL
RACHEL J. HILL
TERRELL L. HODGSON
CHRISTOPHER W. HOFFMAN
JOHN HOLEVAS
LOREN A. HOLLINGER
MATTHEW J. HOLLY
TIMOTHY S. HOLMSLEY
JOHN C. HOPKINS
BRIAN S. HORINE
ANTHONY R. HOWARD
JACKY S. HOWARD
STEPHEN F. HOWE
BRIAN E. HOWELL
JOHN L. HUDSON
CHRISTIAN H. HUETTEMEYER
MICHAEL S. HUMPHREYS
JOEL P. HUMPHRIES
JACK C. HUNNICUTT
SCOTT D. HUSSEY
MAVIS Y. HUTCHINGS
EUGENE S. HWANGBO
MARVIN E. IAVECCHIA
MICHAEL J. JACKSON
PAUL T. JACKSON
WILLIAM G. JACOBS II
TIMOTHY S. JACOBSEN
JEFFERY N. JAMES
KEITH R. JAROLIMEK
DEVERICK M. JENKINS
DARREN K. JENNINGS
JAMES H. JENSEN
WYLIE A. JENSEN
LOREN B. JERLOW
CHRISTOPHER J. JESZENSZKY
MICHAEL W. JOHNS
BRIAN V. JOHNSON
DAVID A. JOHNSON
GLENN W. JOHNSON
JIMMY L. JOHNSON, JR.
RANDY T. JOHNSON
RONNY A. JOHNSON
TERRANCE L. JOHNSON
TODD J. JOHNSON
WILLIAM N. JOHNSON
DAVID A. JONES
DEREK P. JONES
JOHN W. JONES
JASON E. JOOSE
TIMOTHY T. JORDAN
BRENT M. JORGENSEN
NICHOLAS A. JOSLIN
MARGARET M. KAGELEIRY
JOHN W. KALLO
RICHARD C. KASERMAN
MICHAEL J. KAYS
JONATHAN B. KEISER
ANDREW D. KELLY, JR.
MICHAEL W. KENFIELD
WILLIAM O. KEPLEY, JR.
DANFORD A. KERN
BRIAN G. KEYES
CURTIS W. KING
DON A. KING, JR.
MATTHEW S. KINKEAD
JEFFREY R. KIRBY
KODJO S. KNOXLIMBACKER
JAMES R. KOEPPEN
MICHAEL KORNBURGER
TRACY L. KREUSER
ROBERT A. KRIEG
KARLIS A. KRIEVINS
ERIK KRIVDA
MICHAEL R. KROPUSHEK
SETH D. KRUMMRICH
JOSEPH P. KUCHAN
GARY C. KUCZYNSKI
KEVIN R. KUGEL
GEOFFREY D. KUHLMANN
WILLIAM C. KUTTLER, JR.
ALBERT M. LABELLA
ELDEN D. LACER
STEVEN F. LAMB
ROBERT C. LAPREZE
JAMES C. LASLIE III
DUANE S. LAUCHENGCO
GARY R. LAYNE II
MICHAEL G. LAZICH
TROY L. LEACH
MICHAEL C. LEE
RYAN T. LEHMAN
BRADEN G. LEMASTER
CHARLES R. LENOIR, JR.
SCOTT M. LENZMEIER
KEEGAN S. LEONARD
PETER E. LEONE
GARY C. LEROUX
JASON L. LEWALLEN
JAMES M. LEWIS III
JERRY M. LEWIS
FLOYD S. LIDDICK, JR.
AARON B. LILLEY
WILLIAM D. LINN II
BRIAN P. LIONBERGER
JOHN F. LITVIN
JOHN P. LLOYD
JAMES L. LOCK
DAMEION L. LOGAN
BRITTON T. LONDON
ERIC P. LOPEZ
SHAUN S. LOTT
LANGDON J. LUCAS
KIRK A. LUEDEKE
RONALD A. MACKAY
MATTHEW D. MACNEILLY
AARON P. MAGAN
ROBERT E. MAGEE
JOEL S. MAGSIG
NARCISSUS E. MAGTURO
HOWARD A. MARBUT
TEWANNA K. MARKS
ROBERT W. MARSHALL
BRET N. MARTIN
JAY C. MARTIN
PHILIP D. MARTIN
HECTOR I. MARTINEZPINEIRO
ROBERT A. MASON
KEITH E. MATISKELLA
JAMES A. MATTOX
JAMES R. MAULDIN
CHRISTOPHER M. MCCLUNG
ROBERT G. MCCOMMONS
ANDREW F. MCCONNELL
WAYNE E. MCCORMICK
JEFFREY D. MCCOY
DANIEL A. MCCRAY
DAVID E. MCCULLEY
JOSEPH J. MCGRAW
JEREMY P. MCGUIRE
DAVID G. MCGURK
DOUGLAS A. MCKEWAN
MARC W. MCKINLEY
WILLIAM J. MCKNIGHT
THOMAS C. MCNEW
STEPHEN T. MEFFORD
JOSE E. MELENDEZ
JORGE MELENDEZRAMOS
ROBERT MERCERON
ANGEL C. MESA
JOSEPH A. METAYER
DAVID A. MEYER
JASON L. MILLER
JOEL M. MILLER
ROLAND N. MIRACO, JR.
JASON A. MISELI
ROBB C. MITCHELL
VINCENT MITCHELL
RICHARD A. MOHR
MARK A. MOLITOR
KAREEM P. MONTAGUE
JOSHUA L. MOON
STEWART W. MOON, JR.
BRADLEY S. MOORE
JEREMY B. MOORE
THEO K. MOORE
MICHAEL E. MORA
LOUIS W. MORALES
GARY J. MOREA
JOHN L. MORGAN
SHANE P. MORGAN
DANIEL Y. MORRIS
ERWIN C. MORRIS III
BRADLEY D. MOSES
JAMES C. MOSES
GLENN R. MOSHER
VINCENT A. MOTLEY
JOSEPH M. MOUER
JOHN C. MOUNTCASTLE
JOHN B. MOUNTFORD
SCOTT W. MUELLER
DAVID E. MUGG
JEFFREY B. MURPHY
STEPHEN O. MURPHY
JASON R. MUSTEEN
JOHN C. NALLS
SCOTT M. NAUMANN
THOMAS F. NELSON
THOMAS M. NELSON
JEFFREY T. NESTER
DANTE S. NETHERY
ANTHONY E. NEW
RICHARD NG
RAFAEL E. NIGAGLIONIBEAMUD
JASON M. NORTON
STEVEN J. NOSBISCH
BRENT E. NOVAK
CLAY E. NOVAK
STEVEN L. OATMAN
ROBERT J. OBRIEN
TIMOTHY F. OBRIEN
RYAN P. OCONNOR
MARK P. OLIN
JOHN A. OLIVER, JR.
APRIL N. OLSEN
PATRICK S. ONEAL
LUIS A. ORTIZ
DAVID D. ORTON
ROGER D. OSTEEN, JR.
BRADLEY D. OSTERMAN
JAMES A. OSUNA
CHRISTOPHER L. OTT
DARCY L. OVERBEY
BILL A. PAPANASTASIOU
ALBERT J. PAQUIN
STEVE J. PARK
ROBBIE W. PARKE
STEPHEN L. PARKER
KEVIN J. PARRISH
JOSEPH A. PAVONE, JR.
MICHAEL A. PAYNE
ANTONIO M. PAZ
MATTHEW K. PEAKS
GUENTHER PEARSON
MATTHEW D. PEDERSEN
CHARLIE L. PELHAM
HENRY C. PERRY, JR.
KEYE E. PERRY, JR.
DONALD J. PETERSON
THOMAS C. PETTY
STEPHEN C. PETZOLD
ALEX V. PHAM
SHELIA Y. PHILLIPSHICKS
MARK A. PICCONE
CURTIS L. PIERCE II
JOSEPH I. PIERCE
STEVEN M. PIERCE
DAVID W. PINKSTON
OSCAR PINTADORODRIGUEZ
WESLEY M. PIRKLE
ESLI T. PITTS

DARMAN C. PLACE, JR.
ALFONSO T. PLUMMER
CHRISTOPHER PLUMMER
DAWSON A. PLUMMER
JOSE L. POLANCO
ROSS M. POLLACK
JOHN T. POPE
LARRY E. PORTER, JR.
DONALD S. POTOCZNY
JEFFREY H. POWELL II
LEWIS J. POWERS
PATRICK E. PROCTOR
BRIAN K. PRUITT
JAMES R. PUGH
ERIC S. PULS
MARK T. PURDY
CHRISTOPHER R. QUICK
ANTHONY U. QUINN
GINO QUINTILIANI
MICHAEL A. QUITANIA
CHARLES R. RAMBO
RICHARD T. RAMSEY II
MATTHEW D. RAUSCHER
KEITH R. RAUTTER
JOSEPH F. RAWLINGS
DON S. REDD, JR.
WILLIAM R. REEVES
ANDREW C. REICHERT
AARON W. REISINGER
RYAN D. REMLEY
DOUGLAS J. REYNOLDS
ERIK J. REYNOLDS
WILLIAM J. RICE
DONOVAN A. RICKEL
CHRISTOPHER F. RIEMER
JOHN D. RING
SCOTT W. RINGWALD
MICHAEL T. RIPLEY
ROBERT A. RISDON
LUIS M. RIVERA
THOMAS J. ROBINSON, JR.
TERRY J. RODESKY
JOSE L. RODRIGUEZ
JONATHAN A. ROLFE
JOSEPH D. ROLLER
WILLIAM G. ROM
JASON E. RONCORONI
MONTE L. RONE
BRINTON H. ROSENBERRY
JEFFREY A. ROTHERMEL
RODNEY R. ROW
JEFFREY N. RUCH
DAVID M. RUIZ
FIDEL V. RUIZ
RODGER S. RUIZ, JR.
ERIC F. RUSSELL
THOMAS M. RUSSELLTUTTY
THOMAS J. SAGER
RAMIRO R. SALAZAR
PAUL J. SALMON
DAVID W. SANDOVAL
SARGIS SANGARI
ROBERT C. SANTAMARIA
RODRIGUEZ G. SANTIAGO
JUSTIN W. SAPP
BYRON L. SARCHET
MICHAEL E. SAXON
CURBY SCARBOROUGH
BRIAN R. SCHAAP
TERESA A. SCHLOSSER
GEOFFREY M. SCHMALZ
GLENN C. SCHMICK
MARTIN J. SCHMIDT
JAMES H. SCHREINER
CURTIS M. SCHROEDER
SCOTT J. SCHROEDER
TODD E. SCHROEDER
CRAIG L. SCHUH
ROBERT W. SCHULTZ
JAMES M. SCHULTZE
SCOTT A. SCHUMACHER
JAMES J. SCOTT
JEFFREY A. SCOTT
JOSEPH E. SCROCCA
PATRICK R. SEIBER
GEORGE M. SELF
DAVID E. SHANK
MERRILL P. SHARPTON
RICHARD D. SHEMENSKI
ERIC P. SHWEDO
MICHAEL R. SIERAKOWSKI
STEVEN B. SIGLOCH, JR.
ALFRED R. SILVA
SAMUEL K. SIMPSON II
DAVID R. SIRY
BRYAN K. SIZEMORE
MICHAEL L. SLUSSER
THOMAS L. SMALL
KENNETH B. SMEDLEY
DANA L. SMITH
EDWARD L. SMITH
ERIC T. SMITH
HANK E. SMITH
JAMES P. SMITH
JASON S. SMITH
ROBERT L. SMITH
TONG I. SMITH
MICHAEL K. SNEDDEN
FREDERICK R. SNYDER
DAVID L. SOERGEL
SCOTT E. SONSALLA
JAVIER C. SORIA
JON K. SOWARDS
JOHN P. SPANOGLE
MICHAEL R. SPEARS
JAMES G. SPIVEY
NORMAN D. SPIVEY
SCOTT A. SPRADLIN
RICHARD E. STANFIELD II
CHARLES E. STCLAIR
ADAM C. STEELHAMMER
DAVID D. STENDER
ROBERT P. STERBUTZEL
LAWRENCE I. STEWART
RICHARD G. STINSON
ROGERS L. STINSON, JR.
ALAN W. STOUT
STEVEN D. STOWELL
MICHAEL D. SULLIVAN
MICHAEL P. SULLIVAN
RAYMOND V. SUMNER
ERICK W. SWEET II
MATTHEW J. TACKETT
CHRISTOPHER J. TATKA
ANNE V. TAYLOR
DAVID J. TAYLOR
RANDY L. TAYLOR
WILLIAM C. TAYLOR, JR.
DANIEL L. TEETER
BRANDON R. TEGTMEIER
BRUCE W. TERRY
ALLAN R. THOMAS, JR.
PETER B. TINGSTROM
ROY L. TISDALE
MICHAEL A. TODD
WILLIAM P. TOMLIN
GREGORY S. TRAHAN
JOHN D. TUCKER
FRANK L. TURNER II
GREGORY S. TURNER
JOHN W. TURNER
MATTHEW J. TURPIN
KEVIN C. TYLER
JAMES T. VALENTINE
CHRISTOPHER M. VALERIANO
JAMES A. VAN ATTA
KOETSIER C. VAN LOOK
JEFFREY VANCLEAVE
WILLIAM D. VANNESS
VICTOR C. VASQUEZ
MARK A. VERDI
SCOTT D. VERVISCH
MICHAEL VICK
PETER B. VIEN
NOAH VILLANUEVA
CHRISTOPHER C. VINE
THOMAS P. VOGEL
TIMOTHY J. VOLKMANN
ALLEN R. VOSS, JR.
JASON R. VRANES
PETER J. VUTERA
JAMES H. WALKER II
MICHAEL A. WALKER
RHETT D. WALKER
ROY E. WALKER
KEVIN A. WALLACE
BRIAN E. WALSH
ADAM Z. WALTON
CHAD E. WARD
WILLIAM L. WARNER
BRIAN K. WATKINS
BRIAN T. WATKINS
WARREN S. WEAVER
SAMUEL J. WELCH
JASON A. WENDELL
CHRISTOPHER W. WENDLAND
JASON A. WESBROCK
EDDIE L. WHITE, JR.
LAWRENCE B. WHITE
FRANCES E. WIDDICOMBE
LON R. WIDDICOMBE
JAMES G. WIDEMAN
SHANE WILDE
SCOTT D. WILKINSON
BRIAN L. WILLIAMS
MICHAEL R. WILLIAMS
SEAN P. WILSON
DAVID G. WINGET
DAVID WISE
EVAN H. WOLLEN
JASON A. WOLTER
THOMAS E. WOOD
SCOTT C. WOODWARD
FORREST A. WOOLLEY
COLIN H. WOOTEN
BREN K. WORKMAN
JON A. WOZNIAK
JOSHUA D. WRIGHT
RICHARD W. WRIGHT
STEVEN G. YAMASHITA
BRIAN J. YARBROUGH
RENE YBARRA
MARC D. YOUNG
CHRISTOPHER J. YUSKAITIS
DAVID ZACCHEUS
MATTHEW A. ZAHN
RICHARD H. ZAMPELLI
MICHAEL T. ZERNICKOW
MICHAEL F. ZINK
DAVID J. ZINN
D003473
D004857
D001721
D005322
D002451
D003450
D001689
D005950
D001719
D005229
D010130
D010390
D010098
G010027

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

BARBARA A. MUNRO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LISA M. BECOAT
DANIEL FELICIANO
DANNY W. KING
ROSCOE C. PORTER, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

STEVEN R. BARSTOW
LAURA J. BENDER
BERNARD A. BEZY
MICHAEL D. BROWN
JOSEPH L. COFFEY
DENIS N. COX
MARC G. DICONTI
KIM M. DONAHUE
STEVEN L. DUNDAS
ROBERT J. ETHERIDGE
GLENDA J. HARRISON
CHARLES E. HODGES
ALAN W. LENZ
JEFFREY LOGAN
JUDY T. MALANA
DANIEL L. MODE
SHANNON D. SKIDMORE
MATTHEW T. STEVENS
CARL E. TROST
MARK S. WINWARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MICHAEL J. ADAMS
SHANE D. COOPER
JULIA W. CRISFIELD
LAURIN N. ESKRIDGE
MARCUS N. FULTON
JENNIE L. GOLDSMITH
DAVID M. GONZALEZ
JOHN A. GUARINO
MELISSA A. HARVISON
THOMAS J. JONES
ANDREA K. LOCKHART
SUSAN M. MCGARVEY
JOSHUA P. NAUMAN
ELYSIA G. H. NGBAUMHACKL
ERIC J. OSTERHUES
MELISSA POWERS
JESSICA M. PYBURN
COLLEEN M. SHOOK
SCOTT A. SUOZZI
RYAN C. TORGRIMSON
RANDALL J. VAVRA
HEATHER A. WATTS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RICHARD S. ADCOOK
ANDREW J. AVILLO
MATTHEW F. BRADY
PRESTON C. BRIGGS
MATTHEW C. BYARS
DERRICK B. CASTRO
JEREMY B. DAVIDSON
VINH D. DOAN
ERIC S. EVANS
BRIDGET M. FERGUSON
ROBERT S. HEMPERLY
RACHEL A. HOLY
MOHAMMAD KAMIL
BRETT T. LAGGAN
JOHN R. LUNDSTROM
JOHN D. MCLAUGHLIN
SAMIRA MEYMAND
ANN B. MONASKY
ENRIQUE M. MORALES
RACHEL MYAINGMISFELDT
GARY V. PASCUA
ORBITO I. PATANGAN
DONALD M. PHILLIPS, JR.
JOHN M. RAY
STEVEN M. STOKES
HIEN TRINH
BRENDAN W. TULLY
JOHN H. WILSON
JEFFREY G. ZELLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER F. BEAUBIEN
THOMAS M. BESTAFKA
MICHAEL J. BRADY

WILLIAM L. BRECKINRIDGE
ERIK K. BREITENBACH
AMANDA J. BROOKS
ROBERT M. COHEN
ANTHONY M. CONLEY
DANIEL W. COOK
JORGE R. CUADROS
JEFFREY C. DEVINEY
MIGUEL DIEGUEZ
CAMERON J. GEERTSEMA
DARREN R. HALE
ERIC C. HAUN
KENT R. HENDRICKS
ALEXANDER M. KOHNEN
SCOTT M. KOSNICK
JEFFREY D. LENGKEEK
CHRISTOPHER A. MARTINO
GORDON E. MEEK III
GREGORY C. MILLER
ALEXANDER M. MOORE
BRIAN E. NOTTINGHAM
ANANT R. PATEL
JASON M. PICARD
JEFFREY S. POWELL
NATHANAEL B. PRICE
YVONNE R. ROBERTS
DANIEL S. SPICER
NATHANIEL R. STRAUB
ANDREW J. SULLIVAN
JEFFREY D. THOMAS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOMINGO B. ALINIO
KEITH A. APPLEGATE
JULIUS U. ARNETTE
MARK I. AXINTO
SUSAN L. AYERS
BABAK A. BARAKAT
NATHAN B. BEGLEY
TIMOTHY G. BELLOTT
PATRICK C. BLAKE
DAVID D. CARNAL
NICOLE L. CHAMBERS
GEORGE W. CLARK III
DAVID H. CORNELIUS, JR.
LOUIS A. COSTA
LESLEY N. DONELSON
PAUL B. DOUGHERTY
CHARLES DWY
GEORGE C. ESTRADA
ANTONIO B. HARLEY
JEFFREY S. HEDRICK
MATTHEW D. HOLMAN
ERIC M. JAFAR
CHRISTOPHER L. JAMES
KEITH W. JEFFRIES
BRIAN M. JOHNSON
BLAKE W. KENT
JERRY A. KING
JASON E. KLINGENBERG
DAVID E. KUNSELMAN, JR.
GREGORY R. LASK
MANUEL X. LUGO
GEOFFREY D. LYSTER
STEVEN J. MACDONALD
CHRISTIAN M. MAHLER
BRIAN A. MAI
LISA M. MORRIS
CHARLES R. NEU
TIMOTHY J. NICHOLLS
RICHARD J. OTLOWSKI
EDWARD D. PIDGEON
WADE W. RINDY
KIMBERLY C. ROBERTSON
HARRY M. RUSSELL
NICHOLAS R. RUSSO
KENNETH W. RYKER III
LLOYD W. SAUNDERS
PAUL N. SHIELDS
DANA L. K. SMITH
JAMES H. STRAUSS
BRETT M. SULLIVAN
ALSANDRO H. TURNER
BRIAN J. VOSBERG
TODD A. WANACK
RICHARD H. WILHELM
STEPHEN M. WILSON
MICHELLE D. WINEGARDNER
ANTHONY D. YANERO
MICHAEL YORK
MARK A. ZIEGLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

KAREN L. ALEXANDER
PAUL D. ALLEN
ANDREW M. ARCHILA
KENNETH J. ARLINGHAUS
ANTHONY R. ARTINO, JR.
LUIS ASQUERI
DAVID J. BACHAND
DAVID J. BACON
DAVID G. BAPTISTA
STEVEN M. BELKNAP
THOMAS G. BODNOVICH, JR.
WAYNE C. BOUCHER
MATTHEW F. BOUMA
ALFRED H. BRANSDORFER
DAVID B. BRENNER
GABRIEL T. BROWN
TYSON J. BRUNSTETTER
ALAN B. CHRISTIAN
MARK D. CLARK
JOSEPH V. COHN
ESKINDER DAGNACHEW
JASON B. DARBY
MICHAEL D. DIALWARD
SEAN P. EASLEY
RICHARD V. FOLGA
SHANNA L. GARCIA
EDRION R. GAWARAN
GREGG W. GELLMAN
MONIQUE C. GOURDINE
SCOTT L. GREENSTEIN
SHELLY J. HAKSPIEL
DANIEL J. HARDT
PAUL G. HAUERSTEIN
TRACI J. HINDMAN
PETER O. IM
TIMOTHY A. JIRUS
GREGORY R. KAHLES
MICHAEL J. KEMPER
CARRIE H. KENNEDY
LESLIE A. KINDLING
PAUL E. KLIMKOWSKI
JOSEPH B. LAWRENCE
ALLEN A. LEE
PERRY J. LEONARD
JAMES R. LINDERMAN
MICHAEL A. LOWE
SHELTON L. LYONS II
FRANCIS V. MCLEAN
JASON D. MCMILLEN
DEVIN J. MORRISON
PETER J. OBENAUER
MARIE I. PARRY
DAN K. PATTERSON
RON PERRY
JOHN P. PORTER
WILLIAM E. SCHALCK
SPENCER T. SCHOEN
JENNIFER E. SMITH
TARA N. SMITH
FREDERICK M. STELL
MATTHEW J. SWIERGOSZ
TIMOTHY T. THOMPSON
SHANNON P. VOSS
CHRISTIAN T. WALLIS
ERIC R. WELSH
ANTHONY S. WILLIAMS
FRANCINE M. WORTHINGTON
MEREDITH L. YEAGER
MARC T. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CRISTINA ALBERTO
PAUL R. ALLEN
ANTHONY G. BALDWINVOEKS
MELISSA A. BARNETT
RENE A. BELMARES
JOHN O. BENNETT
RALPH V. BRADEEN
DONNA N. BRADLEY
LISA A. BRAUN
THOMAS R. BROADWAY, JR.
TIMOTHY E. BRODERICK
ANNE M. BROWN
STEVEN L. BROWN
RAUL J. CARRILLO
ALISON H. CASTRO
ROSEANNA A. CHANDLER
SEAN P. CONVOY
DARREN J. COUTURE
CRAIG A. CUNNINGHAM
RHONDA K. DAY
MARTIN K. DEFANT
ANDREA M. DESANTO
EVA S. DOMOTORFFY
JOYCE M. DOYLE
THERESA M. DUNBARREID
ROBERT H. DURANT
JOHN E. ECKENRODE
THERESA P. EVEREST
MELISSA A. FARINO
JEAN F. FISAK
CYNTHIA R. FRENCH
MARY G. GRACIA
LAURIE A. HALE
HARRY W. HAMILTON
ANGELA A. HARBER
CHARLES S. HARTUNG
RONDA L. HARTZEL
JEREMY J. HAWKER
VICTORIA L. HAYWARD
STEPHANIE M. HIGGINS
DIANE K. HITE
JOHNNIE M. HOLMES
JULIE A. HOOVER
LONNIE S. HOSEA
SUZETTE INZERILLO
HEATHER C. KING
LARRY L. LABOSSIERE
ROBERT N. LADD
CHRISTINE B. LARSON
CLINT A. LEMAIRE
PAUL A. LOESCHE
KEVIN T. LONG
EDDIE LOPEZ
DELTHENIA T. MAHONE
SUSAN E. MALIONEK
KARI L. MARTIN
KATHY L. MCCALL
JENNIFER D. MCPHERSON
SCOTT J. MESSMER
DANIEL N. MEYERHUBER
TERESA T. MILLER
HEATHER C. NOHR
MARIA M. NORBECK
KENDRA K. NOWAK
SHEILA F. OLEARY
JUSTICE M. PARROTT
SARA S. PICKETT
ELIZABETH L. A. PORTER
HEIDI Y. ROBERTS
WILMA J. ROBERTS
CYNTHIA T. RODRIGUES
LISA F. ROSE
REGINALD T. RUSSELL
JIMMY L. RYALS
VIRGINIA L. SCHMIED
CARY T. SCHULTZ
ANNA M. SCHWARZ
THECLY H. SCOTT
MITCHELL J. SEAL
KATHALEEN L. SIKES
MICHAEL D. SIMONS
CAROL A. SMITH
ANDY S. STECZO
SARAH L. STEVICK
DAVID V. D. THOMAS
CHARLES S. TROTTER
TAMERA K. TUTTLE
JOHN E. VOLK
GAYLE L. WALKER
BARBARA C. WHITESIDE
ANN WILLIAMS
STEVEN T. YADEN
KIM T. ZABLAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

PHILLIP M. ADRIANO
MANUEL F. ALSINA
FRANK O. AXELSEN
ALFREDO E. BAKER
AMY L. BARRION
KYLE R. BERRY
JONATHAN L. BINGHAM
ANTHONY C. BOGANEY
GRANT H. BONAVIA
STEPHEN C. BRAWLEY
DAVID M. BRETT
JOHN S. BROOKS
WILLIAM M. BROWN
ERIC P. BRUMWELL
BRADLEY L. BUNTEN
ALEXANDER I. BUSTAMANTE
JAMES E. CALLAN
ERIC S. CAMPENOT
RUSSELL B. CARR
HENRY F. CASEY III
STEVEN CASTRO
ALBERT E. CHAKER
STEPHANIE M. COLE
GEORGE L. COWAN
ALTA J. DEROO
CHRISTOPHER K. DOLAN
HARLAN F. DOREY
SUSAN C. FARRAR
BRIAN L. FELDMAN
MICHAEL S. FERRELL
MARC A. FRANZOS
DEREK A. GAGNON
JONATHAN E. GILHOOLY
TODD D. GLEESON
ROBERT H. GOODWIN
SAMANTHA GRILLO
RODNEY S. HAGERMAN
PATRICK J. HENNESSEY
JASON D. HIGGINSON
KERRY J. HOLLENBECK
JARROD P. HOLMES
AMY S. HUBERT
SEAN M. HUSSEY
DAVID P. JOHNSON
MICHAEL L. JULIANO
HENRY S. KANE
DAVID L. KAY
DARREN B. KELLER
PETER J. KILLIAN
ARNETT KLUGH
MICHAEL S. KONG
ERIC A. LAVERY
MIKE H. LEE
MARK J. LENART
LANNY F. LITTLEJOHN
EUGENIO LUJAN
NAM T. LY
WILLIAM MANN
TIMOTHY E. MATTISON
RYAN C. MAVES
KATHLEEN J. MCDONALD
THERESA L. MCFARLAND
MATTHEW D. MCLEAN
MICHAEL P. MCNALLY
TIMOTHY J. MICKEL
DANIEL P. MOLONEY
FREDERICK D. MOORE
JOHN W. MORONEY
KENNETT J. MOSES
BRICE R. NICHOLSON
DAVID K. NITTA
CRAIG D. NORRIS
KEVIN M. OMEARA
TODD A. PARKER
ANDREW J. PELCZAR
TAMMY J. PENHOLLOW

LEONARD E. PHILO
DAVID J. PICKEN
RONALD T. PURCELL
SCOTT B. RADER
MATTHEW C. RADIMER
MARIA B. RAMOS
CRAIG J. RANDALL
GRETCHEN B. RISS
ARNALDO L. RIVERA
LOUIS RIVERA
MICHAEL A. ROBINSON
STEVEN C. ROMERO
MARLENE L. SANCHEZ
JAMEY A. SARVIS
ANDREW J. SELLERS
MARK E. SHELLY
MICHAEL P. SHUSKO
SEAN C. SKELTON
JAMES P. SMITH
WILLIAM P. SMITH
ALISSA G. SPEZIALE
MICHAEL T. SPOONER
WALTER A. STEIGLEMAN
DAVID M. STEVENS
RICHARD A. STOEBNER
GARRICK L. STRIDE
ERIC D. STURGILL
RICHARD W. TEMPLE
HASSAN A. TETTEH
BRIAN C. THOMAS
JOHN P. TRAFELI
ALAN J. VANDERWEELE, JR.
KARINA VOLODKA
ROBERT N. WALTER
WILLIAM B. WARNER
CHRISTOPHER H. WAY
KEDRIC E. WEBSTER
JEFFREY P. WEIGLE
TIMOTHY M. WILKS
RONALD J. WILLY
SEAN R. WISE
JASON D. WONG
JOHN M. WOO
JOON S. YUN
ROBERT A. ZALEWSKIZARAGOZA

FOREIGN SERVICE

THE FOLLOWING NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

CONNOR CHERER, OF NEVADA
LIKZA IGLESIAS, OF VIRGINIA
ISMAIL KENESSY, OF MARYLAND
ROBERT W. MASON, JR., OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

AGENCY FOR INTERNATIONAL DEVELOPMENT

ROBYN APRIL BLOUNT, OF MARYLAND
CHRISTOPHER D. MAROTTA, OF TEXAS
KARLA A. ROBINSON, OF VIRGINIA
AUGUSTO I. URREGO-ARDILA, OF FLORIDA

DEPARTMENT OF STATE

JONATHAN CEBRA, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF STATE

ERIC B. ALDRICH, OF NEW YORK
DOREEN PAGE BAILEY, OF TEXAS
ERIC M. BARBEE, OF ARKANSAS
J. NATHAN BLAND, OF LOUISIANA
JOSEPH BOSKI, OF VIRGINIA
DAVID PENN BROWNSTEIN, OF NEW YORK
ROBERT W. BUNNELL III, OF NEW YORK
ANDRÉ LUC CADIEUX, OF NEW YORK
SHEILA M. CAREY, OF FLORIDA
SEAN C. CELY, OF OREGON
LINDSAY M. COFFEY, OF WASHINGTON
KIM C. CRAWFORD, OF FLORIDA
GLEN S. DAVIS, OF CALIFORNIA
JOHN A. DEGORY, JR., OF PENNSYLVANIA
AMY N. DOVE, OF TEXAS
ALICIA K. EDWARDS, OF VIRGINIA
CHRISTINE M. FAGAN, OF TEXAS
STEPHANIE FITZMAURICE, OF FLORIDA
DAVID M. FOGELSON, OF CALIFORNIA
PETER JASON FRICKE, OF MINNESOTA
DAVID R. FULLER, OF MISSOURI
ANDREW AUGUSTINE GRIFFIN, OF ILLINOIS
JAMES M. GROUNDS, OF TEXAS
PAMELA A. HAMBLETT, OF OKLAHOMA
CONARD C. HAMILTON, OF CALIFORNIA
J.J. HARDER, OF NEBRASKA
EDWARD JASON HARTWIG, OF CALIFORNIA
AMANDA ELIZABETH HICKS, OF OREGON
LAURA LAMAR HOCHLA, OF NEW MEXICO
GERARD THOMAS HODEL, OF NEW YORK
M. SHANE HOUGH, OF TEXAS
LOYE E. HOWELL, OF MISSOURI
JEFFREY A. HULSE, OF WASHINGTON
LORI A. JOHNSON, OF OREGON
PATRICE D. JOHNSON, OF ILLINOIS
STACEY LEANNE JONES, OF CALIFORNIA
CHRISTOPHER M. KANE, OF TEXAS
LIV IRENE KILPATRICK, OF OREGON
ALETA MARIE KOVENKSY, OF VIRGINIA
JENNIFER E. LAWSON, OF TEXAS
EMILY J. MAKELY, OF VIRGINIA
KELLY SUE DIONNE MCCARTHY, OF VIRGINIA
RAMON MENENDEZ—CARREIRA, OF FLORIDA
RACHEL LUCILLE MUELLER, OF CALIFORNIA
GEORGEANNA LILA MURGATROYD, OF MARYLAND
DANIELLE MYERS, OF FLORIDA
JESSICA ELIZABETH NORRIS, OF INDIANA
DAVID T. PARADISE, OF ILLINOIS
ERIC W. PARKER, OF FLORIDA
DANIEL AUSTIN PHELPS, OF ARIZONA
LISA KNOTT POVOLNI, OF TEXAS
WILLIAM H. QUICK, OF TEXAS
ANNA LYN CHAMBERS RICE, OF NORTH CAROLINA
KATE RICHE, OF VIRGINIA
CHRISTOPHER ROSE, OF WASHINGTON
ULLA RICKERT SALEH, OF MARYLAND
APRIL CELESTE SCARROW, OF TEXAS
HELENA P. SCHRADER, OF MAINE
JOHN M. SCHUCH, OF NEW YORK
JOSE DANIEL J. SILVA, OF CALIFORNIA
AMY BASKIN STEINMANN, OF NEW YORK
JOHN SURFACE, OF WASHINGTON
ANDY UTSCHIG, OF WISCONSIN
AMY CATHERINE WALLA, OF COLORADO
WILLIAM H. WEBB, OF TENNESSEE
THOMAS CLINTON WHITNEY, OF CONNECTICUT
JOEL T. WIEGERT, OF NEW YORK
VICTORIA SUSAN WOLF, OF TEXAS
MARK WUEBBELS, OF ARIZONA
DONNY HEEKYUNG YOO, OF ALABAMA
JONATHAN LEE YOO, OF WASHINGTON
AMANDA HILARY ZAFIAN, OF FLORIDA
ELIZABETH A. ZELLE, OF ILLINOIS
ERIKA BREE ZIELKE, OF WASHINGTON

THE FOLLOWING NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

AVIUS ALLEN, OF VIRGINIA
ADRIAN J. AMEN, OF OREGON
ANNE CLAIRE D. ANDAYA-NAUTS, OF TEXAS
STEVEN EDWARD ANDERSON, OF ILLINOIS
MELANIA RITA ARREAGA, OF ILLINOIS
KRIS ARVIND, OF ILLINOIS
MOHAMMAD FAROUK BARGHOUTY, OF NEW YORK
THOMAS BENZ, OF LOUISIANA
NAMITA SHAH BIGGINS, OF NORTH CAROLINA
DAVID A. BIGGS, OF TEXAS
ADAM R. BISHOP, OF VIRGINIA
PETER W. BLAIR, OF THE DISTRICT OF COLUMBIA
MATTHEW W. BLINN, OF ILLINOIS
DAN R. BOLL, OF VIRGINIA
LISA L. BRACKENBURY, OF VIRGINIA
BRIAN BREUHAUS, OF NEW YORK
JOHN W. BUSH II, OF FLORIDA
JUSTIN SCOTT BYTHEWAY, OF VIRGINIA
DEBRA S. CARROLL, OF VIRGINIA
ROBERT J. CAVESE, OF OHIO
DAN CEDERBERG, OF VIRGINIA
ELIZABETH CERABINO-HESS, OF NEW HAMPSHIRE
JEFFREY PHILIP CERNYAR, OF TEXAS
AMIE CHANG, OF VIRGINIA
MEREDITH A. CLARK, OF VIRGINIA
MELISSA L. COULTER, OF ILLINOIS
SARAH J. CRANSTON, OF ILLINOIS
MICHAEL F. CUDDY, OF VIRGINIA
LESLIE J. CULLEN, OF VIRGINIA
KARLA A. DANIELS, OF VIRGINIA
JAIME LEE DEBOTTIS, OF VIRGINIA
NATHAN SHANE DETTMAN, OF UTAH
CHRISTOPHER J. DE VEER, OF NEW YORK
ANDREW DEVLIN, OF VIRGINIA
CHRISTY SIOBHAN DOHERTY, OF CALIFORNIA
MICHAEL DUBRAY, OF CALIFORNIA
BAYLOR MCKAY DUNCAN, OF VIRGINIA
BRETT P. DVORAK, OF INDIANA
DERRICK EDUARD ECKARDT, OF THE DISTRICT OF COLUMBIA
MELANIE L. EDWARDS, OF LOUISIANA
STUART ALLEN FARNSWORTH, OF VIRGINIA
CHARLES A. FEE, OF WASHINGTON
ABIGAIL CROSBIE FROST, OF VIRGINIA
ELIZABETH A. FUJINO, OF VIRGINIA
EUGENE GARMIZE, OF NEW YORK
JUSTIN C. GERMANI, OF CALIFORNIA
DAVID BARRY GOLDSTEIN, OF VIRGINIA
CHRISTOPHER GREEN, OF FLORIDA
BRIAN T. GREENE, OF MARYLAND
ELIZABETH D. GRIFFITH, OF VIRGINIA
LEWIS F. GROW, OF VIRGINIA
PAUL HAMMITT, OF TEXAS
JOEL B. HANSEN, OF NEVADA
LAILA MITCHELL HASAN, OF THE DISTRICT OF COLUMBIA
NICHOLAS ADAM HASKO, OF WASHINGTON
JAMES LINDLEY HATHAWAY, OF MONTANA
JONATHAN LEIF HAYES, OF THE DISTRICT OF COLUMBIA
YASMEEN HIBRAWI, OF CALIFORNIA
KATY HINTON, OF NEW YORK
BRIAN HOLSTEGE, OF MARYLAND
JENNIFER B. JACKSON, OF VIRGINIA
DANIEL A. JACOBS, OF GEORGIA
BRYAN DAVID JANDORF, OF WISCONSIN
MATTHEW R. JANTE, OF VIRGINIA
MARK JASONIDES, OF MINNESOTA
AMON O. JOHNSON, OF WASHINGTON
ROSS G. JOHNSTON, OF MARYLAND
ALLISON BARR JONES, OF MAINE
DAVID JOSAR, OF PENNSYLVANIA
AARON P. KARNELL, OF CALIFORNIA
ANNA E. KEARL, OF VIRGINIA
CAROLE ANN KELLY, OF VIRGINIA
DANIEL A. KIEFER, OF GEORGIA
DARIA KOVARIKOVA, OF VIRGINIA
ELIZABETH E. KOZLOW, OF VIRGINIA
JOSHUA J. KUTELLA, OF VIRGINIA
STEWART M. LEBLANC, OF VIRGINIA
SUSAN BERNADETTE L'ECUYER, OF NEW JERSEY
JULIE M. LIMOGES, OF THE DISTRICT OF COLUMBIA
JOHNNY LO, OF VIRGINIA
ANNA LU, OF THE DISTRICT OF COLUMBIA
MINTA ELAINE MADELEY, OF MASSACHUSETTS
MATTHEW A. MALONE, OF COLORADO
DAVID R. MARTINEAU, OF VIRGINIA
JAIME L. MASKELL, OF OHIO
RICK MCDANIEL, OF FLORIDA
JOHN THORSEN MCKANE, OF THE DISTRICT OF COLUMBIA
JUDD MEYER, OF THE DISTRICT OF COLUMBIA
JEREMY CHRISTOPHER MIGDEN, OF VIRGINIA
GARY MORANDO, OF VIRGINIA
AUDREY F.S. MOYER, OF MARYLAND
BARBARA M. MOZDZIERZ, OF NEW YORK
JESSICA A. NELSON, OF THE DISTRICT OF COLUMBIA
SEAN SAEHWAN OH, OF VIRGINIA
PHILIP DANIEL O'HARA, OF THE DISTRICT OF COLUMBIA
IFEOMA OKWUJE, OF MARYLAND
JON HOWARD OLSEN, OF VIRGINIA
CLARE E. ORVIS, OF MASSACHUSETTS
BEVELYN D. PATTERSON, OF TEXAS
ROBERT A. PATTERSON, OF VIRGINIA
EITAN M. PLASSE, OF NEW YORK
ELIZABETH POGUST, OF CONNECTICUT
SCOTT A. POLLOCK, OF VIRGINIA
GRACE H. PULIDO, OF THE DISTRICT OF COLUMBIA
VENKI RAMACHANDRAN, OF FLORIDA
TOY INMAN REID III, OF THE DISTRICT OF COLUMBIA
MATTHEW E. RICH, OF VIRGINIA
MICHAEL P. RICHARDS, OF VIRGINIA
ARMANDO DIEGO RIVERA, OF VIRGINIA
DANE RALPH ROBBINS, OF TENNESSEE
GRIFFIN T. ROZELL, OF TEXAS
AARON J. RYAN, OF MINNESOTA
LEE A. RYSEWYK, OF VIRGINIA
KAREN M. SARKIS, OF VIRGINIA
NICOLE E. SCHROEDER, OF THE DISTRICT OF COLUMBIA
DAVID SHAW, OF VIRGINIA
IAN LINDSAY SHINSATO, OF THE DISTRICT OF COLUMBIA
JOHN SCOTT SIETSEMA, OF VIRGINIA
PETER T. SLOAN, OF CALIFORNIA
AMY LYNNAE SMITH, OF CALIFORNIA
ANSEL THOREAU STEIN, OF VIRGINIA
DAWN MICHELLE SUNI, OF FLORIDA
MARK TEMPLER, OF ARIZONA
CHARLES G. THRASH, OF VIRGINIA
JULIUS N. TSAI, OF CALIFORNIA
STEPHANIE A. TUROS, OF PENNSYLVANIA
SHARI LEE ULERY, OF COLORADO
STEPHANIE VAN HOFF, OF FLORIDA
PHILLIP JAMES VANHORN, OF TEXAS
ANNE VASQUEZ, OF FLORIDA
LISA NUCH VENBRUX, OF PENNSYLVANIA
JESSE F. VICTOR, OF MASSACHUSETTS
JUSTIN THOMAS WALLS, OF NORTH CAROLINA
CODY C. WALSH, OF NEW YORK
SIMONA LAURA WEXLER, OF VIRGINIA
KIRA C. WHELAN, OF VIRGINIA
STEFAN WHITNEY, OF NEW JERSEY
NATALIE WILKINS, OF COLORADO
CHRISTOPHER JOSEPH WILZ, OF CALIFORNIA
WILLIAM HEATH WINKLER, OF VIRGINIA
SAM WORLAND-ESQUITH, OF VIRGINIA
ANNETTE L. WYLIE, OF VIRGINIA
STALLION EASE YANG, OF MASSACHUSETTS
LU ZHOU, OF CALIFORNIA
BERNADETTE REGINA ZIELINSKI, OF NEW YORK

EXTENSIONS OF REMARKS

CONGRATULATING TOM LAMAR ON 20 YEARS OF SERVICE THROUGH THE PALOUSE CLEARWATER ENVIRONMENTAL INSTITUTE

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. MINNICK. Madam Speaker, I rise today to congratulate Tom Lamar, a resident of Moscow, Idaho, on his 20th anniversary as Executive Director of the Palouse Clearwater Environmental Institute (PCEI). Tom has built this organization from a small environmental group to an important element of the Palouse community. On June 16, 1990, Tom's first day of work, PCEI had a $30,000 budget and a one-room office rental in the Moscow Hotel. Today, PCEI has a $1.4 million budget, 14 full-time staff, and a 12-acre home with two buildings for office space. Currently, PCEI now boasts over 1,000 members in Idaho and many other states.

PCEI undertakes numerous environmentally themed restoration, education and outreach programs throughout Idaho and eastern Washington. From planting trees and utilizing solar powered panels to teaching children about owls and placing AmeriCorps members throughout Idaho and eastern Washington, PCEI has emerged as a premier environmental organization for the region.

Tom began work at PCEI by cleaning up the local creek. In 1996 PCEI began watershed restoration projects and have since completed 56 watershed restoration projects in the region.

Tom has helped to run the McCall Outdoor Science School (Idaho's only residential Science Camp) established in 2001. It has since taught 14,000 students in hands-on scientific discovery. Today, the work of PCEI reaches over 2,500 students a year.

Tom helped create PCEI's AmeriCorps Placement Office in 2004, over 100 AmeriCorps members are placed across the state annually. In 2009, the year Tom was honored by being named Environmental Leader of the Year, PCEI volunteers contributed nearly 19,000 hours of environmental service to the region.

Tom has helped to develop other community organizations including the Western Sustainable Agriculture Working Group, Palouse Land Trust, Rural Roots, Idaho Smart Growth, Village Bicycle Project, and Backyard Harvest. Tom serves on the steering committee of the Idaho Environmental Summit, and on the board of the Latah Trail Foundation. He also serves on the Moscow City Council.

I had the honor to visit PCEI recently and can attest to the great things they are doing and the positive impact that Tom and the dedicated PCEI staff and volunteers are making each and every day. Tom's work and leadership sets an important example of environmental commitment and community service that I encourage others to follow.

Congratulations Tom.

REMEMBERING JOSHUA FUESTON

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LARSEN of Washington. Madam Speaker, nearly one year ago Joshua Fueston, a 19-year-old Army soldier from Bellingham, Washington, committed suicide in Washington, DC. Joshua was at Walter Reed Army Medical Center receiving treatment for physical wounds suffered in Iraq, but he was also suffering from Post-Traumatic Stress Disorder, PTSD.

In honor of his life and service, I request that the following poem, penned by Albert Caswell, be placed in the CONGRESSIONAL RECORD.

THE SCARS OF WAR

(By Albert Caswell)

As when our fine sons and daughters go off to war . . .
Much heartache, and such great burdens bore!
As some come home all encased in wood, all but for the greater good!
While, others come home without arms and legs . . . as do they!
Ones without eyes, and faces . . . with burns upon their bodies as placed this . . .
Touching all hearts, in so many ways . . . as it's for them we now so pray . . .
But, some scars are not so easily seen . . .
But found deep down inside most heroic hearts, convened!
Are but found Those Scars of War, not so easily seen!
The kind that, in the middle of the dark night make them so awake . . .
All in cold sweats, as upon all of their fine souls such heartache is placed . . .
All in their most sleepless sleeps, now carried in their souls so very deep . . .
As each day these scenes from hell they pray not repeat, as its for them we weep!
For War is Hell, and Hell is War!
For their battles do not end, when they reach their home shores again!
As from the outside, they look so strong and secure . . .
While, deep down inside . . . in all of them, the battle builds all the more . . .
Destroying even the bravest, and the strongest of all hearts for sure!
As upon their fine hearts and souls, but lie these most dreadful scars of war!
As P.T.S.D., is but the silent killer . . . that we all should so look for!
Because, while some die on battlefields of honor bright . . .
And then others, come home all in anguish . . . to fight this fight!
And sadly, without help . . . many will but live their last and final nights!
As they must fight their own private wars, never ending both day and night . . .
As this darkness upon them so lies, as they so try and try!
With tears in eyes!
As another Hero died this day!
Take a look around you, I say . . .
A Hero stands beside you, with tears of heartache upon their souls which lay!
All in their quiet suffering, we must somehow so hear their pain!
For some things are not so clearly seen!
But, lie so deep down so inside this pain . . .
Remember, under the surface but lie all of their most dreadful dreams . . .
Such things that Heroes dare not repeat!
Now, carried all in their fine hearts, so very deep!
For ever vigilant, as we must keep!
For all of our Sons and Daughters, who deep down inside their fine hearts!
The Scars of War, they so keep!
P.T.S.D. a silent enemy . . .

PROSECUTION OF CITIZENS VIDEOTAPING POLICE IN THE LINE OF DUTY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. TOWNS. Madam Speaker, I rise today to discuss a phenomenon that is occurring throughout this country.

Various states and municipalities are using state wiretapping statutes and other local laws to prosecute individuals who photograph or videotape officers in the line of duty. According to a recent Washington Post article, Mark Graber, a 25 year old staff sergeant for the Maryland Air National Guard, was arrested for taping an encounter with a state trooper who gave him a ticket for going 80 in a 65 mph zone. Graber accepted his ticket, which he says he deserved. Graber was not indicted by a grand jury for speeding; instead his crime was videotaping and showing his encounter on YouTube. Mr. Graber was charged with violating Maryland's wiretapping statute.

In Tennessee, Scott Conover was arrested for unlawful photography when he snapped a picture of a Johnson County sheriff's deputy during a traffic stop.

In the state of Washington, an amateur photographer Bogdan Mohora was arrested for photographing two police officers arresting a suspect.

Authorities contend that wiretapping laws are being violated by individuals who videotape or photograph police on-duty. These officials base their argument on a notion that police have a reasonable expectation of privacy while conducting their work in public.

Our police officers play a vital role in maintaining the quality of life in communities across the country. I feel we should not do anything to diminish their role in society or their effectiveness in fighting crime and preventing terrorist acts. As a member of the victims right caucus here in Congress, I want to make sure our police officers are equipped and feel supported, so they can make sure there are less victims of crime in this country. However, while I do support our law enforcement officials, I do not think that they have a right to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

privacy while performing their duties in public. As a result of my view, I do not believe that prosecuting citizens for exercising a constitutionally protected right is a proper use of the justice system.

I ask for your support of H. Con. Res. 298 to bring awareness to this startling abuse of power and waste of taxpayer dollars.

DELAYING EPA FISHING BOAT DISCHARGE RULES

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to speak in support of H.R. 5301. H.R. 5301, proposed by my colleague, the gentleman from New Jersey, Mr. LOBIONDO, consists of two titles.

Title I of H.R. 5301 is an extension of an already existing moratorium. The Committee on Transportation and Infrastructure recently passed this bill out of Committee with no amendments and no objections. This extension is necessary because the Environmental Protection Agency, EPA, recently completed a study that indicates that discharges from vessels under 79 feet in length are not benign. However, the EPA needs additional time to set appropriate Clean Water Act requirements to protect the nation's waters from these types of discharges.

This legislation would extend the current moratorium until December 18, 2013, giving EPA the opportunity to include these vessels in the next round of permitting under the EPA Vessel General Permit.

I would like to point out to my colleagues that this Chamber has already passed this same language earlier this Congress, in H.R. 3619, the ''Coast Guard Authorization Act of 2010.''

The second title of this legislation is the ''Clean Estuaries Act of 2010,'' which reauthorizes the National Estuary Program. This Chamber successfully passed this legislation 278–128 in April of this year, with support from both sides of the aisle.

Estuaries are unique environments that are extremely productive in terms of their ecosystem values. The ecological productivity of estuaries translates directly into important economic output in terms of commercial fishing and recreational fishing.

The Clean Estuaries Act of 2010 will give these regions the resources and means to effectively manage watersheds and protect estuaries. At the same time, the legislation does an excellent job of including all levels of government and all types of stakeholders.

This legislation increases the authorization for appropriations; allows for increased and improved federal coordination; increases accountability; and, includes some necessary programmatic changes.

The National Estuary Program needs an increase in authorized appropriation levels in order to provide more resources to on-the-ground stakeholders and to enable more communities and estuaries to join the Program.

I ask all members of this Chamber to once again join me in supporting communities and estuaries through the passage of this bill.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VISCLOSKY. Madam Speaker, on the evening of Tuesday, July 20, 2010, I was absent from the House and missed rollcall votes 451 through 453.

Had I been present for rollcall 451, on a motion to suspend the rules and agree to H. Res. 1491, Congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA Division I College World Series, I would have voted ''Aye.''

Had I been present for rollcall 452, on a motion to suspend the rules and agree to H.R. 5604, the Surface Transportation Savings Act of 2010, I would have voted ''Aye.''

Had I been present for rollcall 453, on a motion to suspend the rules and agree to H. Res. 1516, Recognizing the 65th Anniversary of the end of World War II, honoring the service members who fought in World War II and their families, and honoring the servicemembers who are currently serving in combat operations, I would have voted ''Aye.''

IN HONOR OF U.S. ARMY SPECIALIST ROGER LEE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. FARR. Madam Speaker, it is with great sadness that I rise today to mourn the loss of a soldier constituent, U.S. Army Specialist Roger Lee, 26, of Monterey, California. He was a brave soldier who fought valiantly for our freedom. More importantly, he was a proud father, a loyal husband, a caring brother, and a devoted son.

Roger Lee was born and raised in Monterey, California. He came from a loving family that followed the American Dream by starting a family-owned business on California's Central Coast. Roger graduated from Monterey High School and later went to the Arizona Automotive Institute in Glendale, Arizona where he met his wife, Elvina Lee.

In 2005, Roger and Elvina Lee celebrated the birth of their daughter Jazmyne Lee. Shortly after, in 2007, Roger made the decision to enlist in the United States Army, both to fulfill his lifelong goal of serving our country and to build a better life for his wife and daughter. Specialist Lee served in United States Army 1st Battalion, 4th Infantry Regiment based in Hohenfies, Germany.

On July 6, 2010, insurgents attacked Specialist Lee's vehicle near Qalat, Afghanistan, with an improvised explosive device. He ultimately perished from the wounds inflicted by that attack. For his actions and service to our county, Roger was posthumously awarded the Bronze Star Medal.

Madam Speaker, I know that I speak for the whole House in offering our deepest sympathies to Specialist Lee's family and friends. Our nation extends its deepest gratitude for Specialist Lee's service to the United States of America.

HONORING THE WORK OF DR. CHRISTOPH THOMAS OF OREGON STATE UNIVERSITY

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. SCHRADER. Madam Speaker, I rise today in honor of Dr. Christoph Thomas, one of my constituents and an Oregon State University atmospheric scientist who has received a National Science Foundation ''Career Award'' which is designed to support emerging influential scholars and educators who will become 21st century leaders.

During the next five years, Dr. Thomas will be receiving funding from the NSF to support his research on the relationship between plant canopies—such as forests and crops—and the lower atmosphere. The air exchange between these environments plays an important role in the transport of heat, moisture, momentum and trace gases, but they are poorly understood. Dr. Thomas will work with graduate students at Oregon State University, an Oregon K–12 high school teacher, and several colleagues on the studies. The project will include a teaching component, site visits by science classes, and a new graduate-level field course for students in atmospheric sciences, forestry, engineering and agricultural sciences.

Madam Speaker, this research will create better models of air transport that will lead to better large-scale weather and climate models, reducing uncertainty in projections of carbon and energy budgets while improving the ability to predict water availability in forests. I am proud to represent Dr. Christoph Thomas and Oregon State University and wish Dr. Thomas success as he puts National Science Foundation dollars to work in the coming years.

DEAUTHORIZ1NG PORTION OF POTOMAC RIVER WATER PROJECT

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in support of H.R. 5545. H.R. 5545 would deauthorize one-half of the federal navigation project width of the Potomac River, Washington Channel, District of Columbia.

This change to the width of the navigation channel will enable Washington, DC to better develop and utilize the waterfront near this channel.

To ensure that this action will not affect public safety, Committee staff checked with the Coast Guard, Navy, and Corps of Engineers. None of these agencies oppose the deauthorization of the segment of channel.

I am unaware of any controversy concerning this legislation, and I ask my colleagues to join me in supporting H.R. 5545.

HONORING KATHRYN WINTER OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize my friend Kathryn Winter on the occasion of her retirement as executive director of Fair Housing Napa Valley in Napa County, California. Kathryn's leadership will be truly missed by her colleagues, the people of Napa County, and all of the organizations around Northern California that heavily relied on her immense knowledge and experience in public service.

Mrs. Winter is a native San Franciscan who graduated from Lowell High School. She received her bachelor of arts degree from the University of California, Berkeley and her masters from Stanford University. Mrs. Winter has dedicated her life to serving her community. She began her career of public service as an English instructor on the Navajo and Hopi Indian reservations, Napa Valley College and Hillsdale High School in San Mateo, California. Prior to her current position, she served honorably as a town councilmember in Yountville, California and as a Napa County supervisor. She also brought her talents to the Governor's Office of Planning and Research.

In her 6½ years as executive director of Fair Housing Napa Valley, she has worked tirelessly to eliminate housing discrimination and ensure equal housing opportunity for all people through leadership, education, conciliation, outreach, advocacy and enforcement. Under Kathryn's leadership, Fair Housing Napa Valley emerged as a powerhouse in the local non-profit community. She raised over $1.8 million, expanded the program from one to five staff members, doubled caseload and tripled revenues.

Madam Speaker, it is my distinct pleasure to recognize Kathryn Winter for her many years of service to Napa County, California, and to thank her for her many contributions to our community. I know she will continue to make the Napa Valley a better place during this next phase of her life. I join her husband Mick, her daughter Joanna and our colleagues in wishing her the best as she moves on to future challenges.

SUPPORTING SOCIAL SECURITY

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VAN HOLLEN. Madam Speaker, as we approach the 75th anniversary of Social Security, I rise today to reaffirm its promise as an economic lifeline to millions of senior citizens and those with disabilities, and to preserve it for future generations.

More than 50 million Americans depend on Social Security benefits to make ends meet. For many, it is their only source of financial security during these tough economic times. Seniors have worked all their lives and made contributions to the Social Security program. However, we should not threaten their benefits to reduce the federal deficit and pay for the policies of fiscal irresponsibility that President Obama inherited. Fixing this budget mess should not come at the cost of hurting Social Security beneficiaries.

Our Republican colleagues have once again advanced a proposal to partially privatize Social Security that puts the financial security and stability of America's seniors at risk. Seniors cannot afford to have their retirement security gambled away on the volatile stock market. At the same time Washington Republicans want to repeal the Wall Street reform legislation, they are pushing for a risky plan that would funnel billions of dollars of America's Social Security retirement savings to Wall Street.

Madam Speaker, we have a choice to make. We can take the path that jeopardizes the Social Security program and the benefits it provides, or we can take the road that preserves the retirement benefits that seniors have paid for, earned and need. Let's choose the right path and make sure that Social Security continues to provide seniors with the same financial stability, reliability and security as it has for the past 75 years.

HONORING THE EFFORTS OF THE YOUNG ARTISTS FROM THE WORD OF FAITH CHRISTIAN SCHOOL

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. SHULER. Madam Speaker, I rise today to recognize the students from the Word of Faith Christian School in the small rural community of Spindale, North Carolina. These students have produced an impressive collection of approximately 300 pieces of art depicting World War II and the legacy of the Holocaust. Their work has been displayed in several exhibitions in North Carolina. After reviewing the work, Michael Berenbaum, the Founding Director of the United States Holocaust Memorial Museum, stated that he ''was profoundly impressed by their quality, their diversity, their integrity and their passion. I have never seen such work from students of their age.''

From July 19 to July 22, these students will feature their work at the Christians United for Israel Summit, which is to be held at the Washington Convention Center. I would like to recognize these students and the Word of Faith Christian School for their tremendous artistic accomplishments, their dedication to the preservation of history, and for their unwavering support of Israel.

HONORING DENNIS CUPP

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Dennis Cupp, the former Chief of Police in Moberly, Missouri, who retired after 30 years of service to the city.

Over the course of his storied career, Lieutenant Colonel Cupp has compiled an impressive resume of accomplishments and accolades. Lt. Colonel Cupp has received training from a number of prestigious institutions including the Harry S. Truman Police Academy, the University of Missouri, and the Missouri Police Chiefs Association. It should also be noted that Lt. Colonel Cupp graduated from the 127 class of Police Management School, School of Police Staff & Command, which is nationally recognized.

Lt. Colonel Cupp is the regional vice president of the Missouri Police Chiefs Association. He is a member of Missouri and International Association of Chiefs of Police. He also serves the community in other ways as well. He has recently served in the role of region 4 coordinator for the Law Enforcement Torch Run for the Special Olympics.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating Lt. Colonel David Cupp for his service to the city of Moberly and the State of Missouri.

PREVENTION OF INTERSTATE COMMERCE IN ANIMAL CRUSH VIDEOS ACT OF 2010

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 20, 2010

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010. This bill will ban the sale and distribution of so-called animal crush videos. In reality, they are shocking displays of animal cruelty.

This bill was introduced in response to the Supreme Court's decision in U.S. v. Stevens to strike down a previous law that banned these videos, as unconstitutional. The sponsor of the new bill, Congressman Gallegly, worked with law and constitutional scholars to ensure that this bill is narrowly tailored to be able to survive strict First Amendment scrutiny while still banning the sale and distribution of these horrific videos.

Additionally, for the opponents out there who incorrectly object to the bill on the grounds that it may restrict hunting and fishing rights, the bill clarifies that depictions of hunting, fishing, trapping and common animal husbandry practices are exempt.

As many of my colleagues know, I have had a lifelong love and compassion for animals of all kinds. That is why I am simply shocked at the cruelty exhibited in these videos. What upsets me more is that there is an audience out there that enjoys the brutality depicted in these videos.

I supported the original legislation that banned the depiction of animal cruelty in the 106th Congress. Today I want to strongly add my support to H.R. 5566, the Prevention of Interstate Commerce in Animal Crush Videos Act of 2010.

Mr. Speaker, it is past time that this inhumane and cruel practice is once and for all put to an end.

IN HONOR AND RECOGNITION OF MR. ANTHONY ZIELINSKI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Mr. Anthony Zielinski, devoted and much-loved father, son, brother and friend, whose public service continues to raise the Parma community onto a platform of strength, viability, unity and opportunity.

Mr. Zielinski grew up in the City of Parma and continues to call Parma his home. He attended Parma public schools and graduated from Cleveland State University with advanced degrees. His public service reflects integrity, expertise, dedication and most importantly, it consistently reflects heart, compassion and sincere concern regarding the needs of others.

Because of his vision and leadership, Parma has resources and opportunities for residents of all ages. Mr. Zielinski served as councilman in Parma's Ward 8 neighborhood for nearly 8 years. As councilman, he served as Majority Leader and Finance Chairman, working energetically on behalf of residents and creating strong partnerships between the public and private sectors. He served on the City of Parma's Zoning Board of Appeals, and was appointed to the position of Treasurer of the City of Parma in 2005, and elected to serve another term in 2009.

His outstanding work as Treasurer is framed by integrity, expertise and dedication to protecting the public trust by making wise investments to obtain the highest return on taxpayers dollars. In addition, Mr. Zielinski has a rare ability to bring people and departments together—unifying the community for the common good—with a special commitment to the children of Parma. He led several student-government programs, and was instrumental in organizing the Leadership for Tomorrow Program, which allows every fifth grade student to experience, in person, the workings of city government. Though humble, Mr. Zielinski's volunteer efforts have been noticed by others. He was named the Parma Democrat of the Year; and was honored as the Pride Award Recipient by the Parma Chamber of Commerce.

Madam Speaker, please join me in honor and recognition of my friend, Mr. Anthony Zielinski. Mr. Zielinski's work and approach to city government continues to create strong bonds between residents and city hall. He is a role model as a man, a father, a son, and a friend. It is Mr. Zielinski's warmth, heart, honesty and willingness to help others that enriches and strengthens the lives of all us—his family and friends in Parma, Ohio and throughout our community.

RECOGNIZING THE RETIREMENT OF ROBERT F. LARK AS THE CHAIRPERSON OF THE MERCER COUNTY DEMOCRAT COMMITTEE

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. ALTMIRE. Madam Speaker, it is my privilege to recognize Robert F. Lark on the occasion of his retirement as Chairperson of the Mercer County Democrat Committee. Bob served faithfully as Chair since 1988. His 22 years at the post makes him the longest serving Chairperson in the Committee's history.

Bob comes from a family of committed public servants and knows the value of giving back to his community. His grandfather served as a Precinct Committeeman in the 1930s and 1940s and his mother was also a Precinct Committeewoman in the 1950s and 1960s.

During his time as Chairperson, Bob helped encourage the formation of the Democrat Women and Young Democrats organizations in Mercer County and was enormously successful in registering voters across western Pennsylvania.

A lifelong Democrat, Bob worked for fairness in elections and voting and was not afraid to make his voice heard if he felt that an individual of either party was engaging in misconduct. His dedication to being a responsible citizen was evident in his service to the Mercer County Democrat Committee and to Pennsylvania.

Bob's commitment to his country extended beyond his service as chairperson, however. As a teacher for 40 years, Bob prepared future generations for life beyond the classroom. His work with students through the years is equally commendable.

Bob believed that one must be judged not by the promises a person makes, but by the promises a person keeps. Madam Speaker, Bob Lark was a man who kept his promises to his fellow Democrats in Mercer County and I am pleased to honor him for his efforts.

WE CAN HELP PROGRAM

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. QUIGLEY. Madam Speaker, as we talk about the need for job creation it is critical that we remember why America needs work.

Jobs are a means to provide for individuals and families, for food and shelter, and for a sense of security and peace of mind.

But work is only half the equation—a paycheck is needed to fulfill the other.

Which is why I stand in full support of the Department of Labor's ''We Can Help Program.''

This public service campaign strives to educate America's workforce about employer abuses and workers' rights.

It will also add 250 investigators to the department's wage and hour division.

Efforts like this will go a long way toward recovering at least some of the $19 billion of wages that are never paid to workers across the country every single year.

In the midst of a tough economy, it is vital that Congress do everything in its power to make sure every American who wants a job can find a job.

But we must remember that there are many already on the clock who need our help, too.

DALLAS' CHAPTER OF TOP LADIES OF DISTINCTION INC. CELEBRATES 45TH SAPPHIRE ANNIVERSARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on June 12, 2010 the Dallas Chapter of Top Ladies of Distinction, TLOD, recognized their 45 years of outstanding service in the greater Dallas community. Founded in the Lone Star State of Texas, the mission of the organization is to enhance and enrich lives of youth and adults through national and community based programs and projects. The organization is comprised of 4,600 members spread among 104 chapters across the Nation, with each chapter respectively sponsoring Top Teens of America.

Top Ladies of Distinction collaborate with various organizations to help build a better community and increase awareness. To illustrate, some organizations include: Ronald McDonald Houses; National Alzheimer's Awareness; HIV/AIDS Awareness; Top Ladies of Distinction Literacy Program; and Sickle Cell Research.

At the anniversary celebration the women were graced with the presence of Mrs. Jackie Pope, Top Ladies of Distinction's National president, along with Ms. Bobbie Moorehead, Top Ladies of Distinction's fifth past National president. Also joined in the celebration was Ms. Sharon Beard, the current National recording secretary.

Top Ladies of Distinction 2010 honorees for 30 to 46 years of service included: Mrs. Nita Moorehead; Mrs. Opel Jones; and Mrs. Elinor Jackson.

Top Ladies of Distinction 2010 honorees for 25 to 29 years of service included: Mrs. Dorothy Lee; Mrs. Orvee Seward and Mrs. Harriet Tripp.

Top Ladies of Distinction 2010 honorees for 20 to 24 years of service included: Mrs. Pauline Dixon, Ms. Hertha Echols, Mrs. Orethann Price, Mrs. Martha Smith, and Mrs. Harnell Williams.

Madam Speaker, I congratulate Top Ladies of Distinction on this memorable moment in the history of their organization. These Ladies represent resourceful woman power; all of whom work for the betterment to serve others.

HONORING THE LIFE OF JOHN ANTHONY BRUZZONE

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today in memory of John Anthony Bruzzone, a devoted family man, member of the United States Army, successful Santa Clara County entrepreneur and a valued leader in our community. Sadly John passed away on June 30, 2010.

John, was a skilled businessman and entrepreneur, starting in 1947 with The Pied Piper Exterminators, Western Roofing Supply, and most recently Hollister Motor Sports. In 1974,

he purchased the Roberto-Sunol Adobe in San Jose, which he extensively and carefully restored. The Adobe became California State Historical Landmark No. 898 on March 18, 1977.

Always a business visionary and concerned with California's environment, John was one of the first recyclers in Santa Clara County where he operated San Jose Recycling and Diversified Recycling Services. He also operated the Italian Gardens in San Jose. He was always generous in donating his resources and time to our community.

Prior to his successful endeavors in business John was a dedicated member of our armed services serving in the Army during World War II. He fought in the Battle of Okinawa and was awarded the Purple Heart for wounds received during that historic battle. He helped save our country.

Madam Speaker, I ask my colleagues to join me in sending our condolences to John Anthony Bruzzone's family and in remembering a special man who devoted his life to his family and our country.

HONORING EDWARD KLOSTERMAN

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor Edward Klosterman, a dedicated community servant and a lifetime member of the Pewee Valley Fire Department from the Fourth District.

Ed Klosterman was born and raised in Crestwood, Kentucky along with his fourteen siblings. He attended Carroll County Vocational School and graduated from Oldham County High School in 1975.

Ed became a member of the Pewee Valley Fire Department before completing high school. As a dedicated community servant with the fire department, Ed served as a firefighter, instructor, lieutenant, training officer, fire inspector and engineer. When the Fire Department outgrew its old station Ed was pivotal in helping design the new fire station and oversaw its construction.

Ed has received numerous awards from the fire department and has been designated a lifetime member. His retirement on July 14, 2010 was also the 36th anniversary of his joining the Pewee Valley Fire Department.

Ed is the proud father of three children. His daughter Anastasia is a student at the University of Louisville Speed School. His twin sons, Alexander and Andrew followed in their father's footsteps as members of the Pewee Valley Fire Department. They have enlisted in the United States Air Force and begin their basic training this September.

Madam Speaker, please join me in commending Ed Klosterman and in offering him our sincerest thanks for his years of service to Pewee Valley, the Commonwealth of Kentucky and the United States of America.

IN HONOR OF JUDGE CAROL CRAFTON ANTHONY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. ROSS. Madam Speaker, I rise today to honor a respected and dedicated public servant. On July 18, 2010, our state lost a devoted citizen when Judge Carol Crafton Anthony, age 56, died following a lengthy struggle with leukemia.

Judge Anthony was a proud mother, a committed jurist and a loyal Arkansan. Judge Anthony built an outstanding career as a local attorney in El Dorado prior to her exceptional service overseeing six counties as a judge in the 13th Judicial Circuit's Fourth Division.

I had the honor and privilege to know Judge Anthony and I admired her passion for law and innovative approach to justice. She pioneered alternative programs for local youths and drug offenders in an effort to break the cycles of bad behavior and abuse and encouraged these offenders to live productive lives.

My thoughts and prayers go out to her husband Aubra, sons Hayes, Hunter and Clay and daughter Hollis. I know I, along with many Arkansans, will sorely miss Judge Anthony's presence and will try to find solace in the fact Judge Anthony defined what it meant to be a public servant: to leave your community better than you found it.

Today, I ask all members of Congress to join me as we honor the life of Judge Carol Crafton Anthony and her legacy.

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. EHLERS. Madam Speaker, on rollcall Nos. 452 and 453, I left the floor to attend a meeting related to my duties as a member of the Aviation Subcommittee and a co-chairman of the General Aviation Caucus.

Had I been present, I would have voted "yes" and "yes."

TRIBUTE TO LYNETTE ELIZABETH HOFFMAN MILLER

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. PENCE. Madam Speaker, I rise today to mourn the loss of a dear friend to the community of Sellersburg, Indiana.

Lynette Elizabeth Hoffman-Miller was a devoted wife, loving mother, and courageous warrior in her battle against leukemia. Though the pain of her passing is deeply felt, we will continue to be inspired by the life she led.

Lynette was born on March 20, 1972 in Albuquerque, New Mexico, to Bill and Elizabeth Hoffman. A graduate of Mayfield High School in Las Cruces, Lynette went on to receive her bachelor's degree from New Mexico State University.

Lynette later moved to Sellersburg, Indiana, where she would become an active leader and vital asset to the Hoosier state. She served as the first Vice President of the Indiana Federation of Republican Women, where she excelled in her mission to support Republican principles and promote community service.

A longtime advocate of healthy living, Lynette spent many hours promoting nutrition, exercise, and complementary medicine on her blog. She was very fond of time spent with her mother and sister attending wellness conventions.

Her strong faith helped her and her family through her difficult battle against leukemia. Lynette served on the board of directors of St. Joe on the Hill Catholic Church in Sellersburg. She also taught Sunday school and relished time spent with her family and friends.

One of Lynette's favorite hobbies was to create unique and thoughtful greeting cards and stamps for her friends and loved ones. She was an avid fan of singer Toby Keith and loved the color green.

We have lost an important figure in the Sellersburg community, but I know that Lynette's legacy will not soon be forgotten. Let us keep her cherished family and friends in our prayers during this difficult time, especially her husband Chuck Miller, daughter Cambrelyn, parents Bill and Elizabeth Hoffman, sister Trinette (Jason) Dixon, paternal grandmother Ann Hoffman, and father and mother-in-law Dr. Robert and Lois Miller.

May they find comfort in the Old Book, which tells us that "Because of the Lord's great love we are not consumed, for his compassions never fail. They are new every morning."

SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RESEARCH AND DEVELOPMENT ACT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. DOYLE. Madam Speaker, I rise today in support of the Safer Oil and Natural Gas Drilling Technology Research and Development Act.

The Deepwater Horizon explosion and oil spill has highlighted the pressing need for research on technology to make deepwater drilling for oil and natural gas safer and cleaner.

While the investigations into the causes of the disaster are still ongoing, the disaster has already made Congress and the public aware of the significant shortcomings in much of the oil industry's current deepwater drilling technology—most notably its blowout preventers.

This legislation refocuses the Department of Energy's deepwater drilling research to place higher priority on research on technology that will increase the safety and reliability of deepwater drilling technology in the years to come—and rightly so.

The National Energy Technology Laboratories facility in southwestern Pennsylvania has been the Department of Energy's leader in research on ultra-deepwater drilling for oil and natural gas for many years. NETL has a talented staff with unparalleled expertise and a long and successful record of research

projects to improve the safety and efficiency of fossil fuel production technologies like deepwater drilling. It only makes sense that this legislation preserves the National Energy Technology Laboratories' role in conducting research on a subject on which they have so much knowledge and experience.

I am pleased that Chairman GORDON has confirmed that it is the Committee's intention that the National Energy Technology Laboratories will continue their important work on deepwater drilling research under the Safer Oil and Natural Gas Drilling Technology Research program addressed in this legislation.

I commend the Chairman, Ranking Member, and members of the Committee for drafting legislation to shift the focus of the Department of Energy's deepwater drilling research to prioritize safety and environmental protection. It's clear from the Deepwater Horizon tragedy that there's a pressing need to dedicate more resources to this important goal.

COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE FOR THE BILL H.R. 5503

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. CONYERS. Madam Speaker, I submit the following.

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

DEAR MADAM SPEAKER: Please find enclosed the cost estimate of the Congressional Budget Office for the bill H.R. 5503, the ''Securing Protections for the Injured from Limitations on Liability Act.'' This cost estimate was not made available at the time the Committee Report (111–521, Part 1) was filed on June 30, 2010. The Committee respectively requests that this cost estimate be printed in the Congressional Record.

Thank you for your assistance with this request.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

Enclosure.

H.R. 5503—Securing Protections for the Injured from Limitations on Liability Act

H.R. 5503 would amend several laws related to private liability that apply to injury or death incurred by workers on ocean-going vessels or on certain other facilities located in the ocean. The act also would amend the bankruptcy code to require any purchaser of a bankrupt company to pay any obligations of the firm that stem from damages caused by an oil spill. CBO estimates that enacting the legislation would have no significant impact on the federal budget.

Enacting H.R. 5503 would not affect direct spending or revenues; therefore, pay-as-you-go procedures would not apply.

The act would expand both the Death on the High Seas Act (DOHSA) and the Jones Act to enable the surviving family members of a deceased worker to receive monetary compensation for nonmonetary damages as a result of the death of a relative on an ocean-going vessel or certain other facilities located in the ocean (such as oil-drilling rigs). H.R. 5503 also would extend the distance from shore that would make ships subject to the provisions of DOHSA, and it would repeal the Limitation of Liability Act, a law that limits the value of certain damages that can be charged to vessel owners. H.R. 5503 also would allow state attorneys general to bring suit for remedial action under the Class Action Fairness Act. Because those provisions would affect the liability of private firms, CBO estimates that enacting them would have no significant impact on the federal budget.

H.R. 5503 would amend the bankruptcy code to require any purchaser of a bankrupt company with obligations related to an oil spill to pay those obligations that are owed to victims of the oil spill. Based on information from the Administrative Office of the U.S. Courts (AOUSC), CBO estimates that this provision would have no significant impact on the federal budget.

HR. 5503 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

By making unenforceable agreements that restrict individuals from disseminating information regarding the discharge of oil or other contaminants into waters off the shore of the United States, the act would impose a private-sector mandate as defined in UMRA. The legislation would limit the ability of parties connected with such spills to prevent their employees, or others with whom they have agreements, from providing information about matters related to a spill. CBO estimates that the aggregate direct cost of the mandate would fall below the annual threshold established in UMRA for the private sector ($141 million, in 2010, adjusted annually for inflation).

The CBO staff contacts for this estimate are Sarah Puro (for maritime issues), Martin von Gnechten (for bankruptcy), and Marin Randall (for the private-sector impact). The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

HONORING ROBERT EDWARD STEINHAUER OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to Robert Steinhauer, who is being honored as the Napa County Farm Bureau's 2010 Agriculturalist of the Year.

Mr. Steinhauer and his family have a long and storied history in California agriculture. He first found his way to the Napa Valley in 1971, serving as Vineyard Manager for Napa Valley Vineyard Company. In 1979, he joined Beringer Blass Wine Estates and served as senior vice president of vineyard operations for over 25 years. During his tenure, he was responsible for farming operations on over 10,400 acres of vineyards in five counties. He also managed grape purchases from over 400 growers for one of the Napa Valley's legendary wine companies. Today he is president and part owner of Wineland Consulting and is still a farmer; he owns 20 acres of raisin vineyards in Fresno.

Mr. Steinhauer's 2010 Agriculturalist of the Year Award is one of many he has earned during his distinguished career. He was the recipient of the 1983 Foremost McKesson California Vintner Award, 1978 Fresno State Viticulture Alumni Award, Copia 2004 Winegrower of the Year Award, 2005 Wine Integrity Award and the 2008 Merit Award from the American Society for Enology and Viticulture.

Robert is known as one of the kindest and most generous people in the industry. His legacy will be carried on by his daughter Anne, who continues the family agricultural tradition with the Napa Valley Vintners Association. This honor is long overdue and I am fortunate to be able to call Mr. Steinhauer a friend.

Madam Speaker and colleagues, it is my distinct pleasure to recognize my dear friend Robert Steinhauer for his countless contributions to California agriculture. The Napa Valley and the entire agricultural community owe him an enormous debt of gratitude. He is a true giant in the industry. I join his wife Verna, daughter Anne and son Erik in wishing him continued success and fulfillment.

CONGRATULATING BUGEYE TECHNOLOGIES, INC.

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating Bugeye Technologies, Inc., located in Pacific Missouri, for their efforts in upgrading the AS9100 Quality Management System Registration. Bugeye Technologies is a leading provider of replicated hardware for the simulation industry, and produces flight controls, visual display systems and simulated cockpits for military applications.

Bugeye Technologies recent upgrade will increase productivity and enhance their competitive position in the global marketplace. This upgrade will also benefit the Ninth Congressional district and Missouri by spurring local economic development by creating and sustaining manufacturing jobs.

I would like to take this time to commend Bugeye Technologies for all their hard work, and I ask that my colleagues join me in recognizing Bugeye Technologies, Inc., for a job well done.

LETTER FROM PAUL DEBRI, OF GRAND RAPIDS, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. EHLERS. Madam Speaker, I recently received a letter from a constituent, Mr. Paul Debri, who expressed concerns about the welfare of our country. In particular, Mr. Debri decried a lack of responsibility accepted by Members of Congress, and conveyed his anxiety over partisanship. Mr. Debri's letter offered a sobering perspective of how our daily actions in Washington are viewed by the people we are elected to represent.

Of note, the correspondence which I received included a copy of the CONGRESSIONAL RECORD (Cong. Rec. 1 Sept. 1950: A6328) from Friday, September 1, 1950 and the extended remarks of my predecessor, the Honorable Gerald R. Ford, Jr. The attitude toward Congress expressed by Mr. Debri was shared by his grandfather, Mr. Irwin Koropas, who

wrote then to Representative Ford with similar reservations and a challenge to share those sentiments with the Congress, which Representative Ford did.

I share Mr. Debri's concerns about the lack of civility and personal responsibility in Congress. Throughout my seventeen years in Washington, I have strived to follow the call of Micah 6:8 "to act justly and to love mercy and to walk humbly with your God." Mr. Debri's letter is a good reminder of the humility and civility needed in Congress. I have also sought to follow the advice of Edmund Burke, a noted British parliamentarian, who said "The only thing necessary for the triumph of evil is for good people to do nothing."

For the edification of my colleagues, Mr. Debris' letter is below:

Grand Rapids, MI, May 31, 2010.

REPRESENTATIVE EHLERS, I have just returned home on this stormy Memorial Day morning after spending time with a member of my family. While driving home I realized that I needed to voice my concern with you over the welfare of our country. More specifically on the ineptness of the Legislative Branch to work in harmony with one another to strengthen and unite this country.

Yes, I have voted for you in past elections and consider myself a Republican, but I have also voted for Democrats on more than one occasion. What is so special about this country is that I have the right to choose the men and women that are sent to Washington D.C. Unfortunately, after the polls close and the elected officials, Republican or Democrat, take their oath they seem to serve only one person. That person being themself.

It seems as though not a day goes by when a politician is in the news double talking their way around a simple question, pushing blame off to another person or political party, or making promises to the American people by saying one thing and not even doing anything to resolve the issue. When asked a question, give a straight forward answer. When confronted with wrong doing, take responsibility. Don't blame others. When making promises, act with integrity and accomplish what you set forth to do with no complaints.

Included is a copy of a letter from Mr. Irwin Koropas to former Representative Gerald R. Ford back in 1950. Mr. Koropas was concerned with the inability of Congress to work together by getting off their proverbial high horse to preserve this great country. Sadly, the same concern holds true today. Sixty years have passed and Congress still does not understand what the American people want. Do what you were elected to do...work for the American people, not yourself.

Mr. Irwin Koropas served his country proudly. He loved his wife and daughter and modeled examples of honesty, respect, and patriotism to his three grandchildren. The good Lord called him home some years ago, but he is never forgotten. Every Memorial Day I visit him. I visit my grandpa. I will never be embarrassed to be an American or to call this great land home. However, I am embarrassed by the elected politicians serving in the nation's capital. Who will be the first politician to put aside political partisanship and honestly and faithfully put the needs of Americans ahead of their own personal agenda?

I'll close this letter with the words my grandpa wrote to then Representative Ford sixty years ago. Representative Ehlers, "Please read this to Congress if you got the guts, which I think you have."

Respectfully,

PAUL DEBRI,
Grand Rapids, MI.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed the following recorded votes on the House floor the legislative week of Monday, July 19, 2010.

For Monday, July 19, 2010, had I been present I would have voted "aye" on rollcall vote No. 448 (on motion to suspend the rules and agree to H. Res. 1472); "aye" on rollcall vote No. 449 (on motion to suspend the rules and agree to H. Con. Res. 126); and "aye" on rollcall vote No. 450 (on motion to suspend the rules and agree to H. Res. 1219).

REGARDING THE 36TH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise today on the occasion of the 36th anniversary of Turkey's invasion of the island of Cyprus to honor the memory of the nearly 5,000 Cypriots who lost their lives during the invasion and to remember the 200,000 Cypriots who were forcibly removed from their homes and the nearly 1,500 Cypriots who are still missing to this day.

A deep respect for freedom, human rights and the rule of law unite the people of Cyprus and the United States. We must draw upon these common values and democratic vision as we work together toward a peaceful and prosperous future for the people of Cyprus.

All Cypriots deserve a united island that fulfills the promise of peace and democracy for which a generation has paid so dearly. The United States stands with the people of Cyprus as they work to achieve a bi-communal and bi-zonal reunification under a single sovereignty with respect for the human rights and fundamental freedoms for all Cypriots.

Now that the elections are over, the U.S. joins other nations in encouraging President Christofias and Turkish Cypriot Leader Eroglu to resume their efforts to find a peaceful resolution to the conflict that is mutually acceptable to both parties.

RECOGNIZING AND HONORING THE LIFE OF ALBERT OWENS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. RANGEL. Madam Speaker, I rise today to recognize the wonderful life and accomplishments of Albert Owens with sadness as I mourn his passing. Mr. Owens, one of the first African-Americans to leave his indelible mark on the entertainment industry, recently passed away due to illness at St. Luke's Hospital in New York City. He was sixty-one years of age.

Albert began his career as a founding member of the Charles Unicycle Riders. He gained national recognition in 1965, after appearing as a guest on the hit television show "I've Got a Secret." Albert and his group eventually became the Ringling Bros. first African-American troupe, changing their name to the 'King Charles Troupe.' He also performed acts with the Barnum & Bailey Circus among many others, and reached a new level of national fame.

Yet, Albert's roots remained grounded as his determination to assist his hometown never wavered. When not traveling and performing, he was a devoted family man who returned home to his Bronx community to continue his work as a volunteer. Albert worked tirelessly to counsel the city's youth with the YMCA, using the unicycle as a tool to engage young people and help them build stronger character. He mentored the next generation up until his passing, never swaying from his resolve to provide the blueprint for success which they can all follow.

Albert Owens was a man of devotion with a commitment to service. Despite his well-earned famed and his standing within the entertainment industry, he always put the needs of his community and the hopes and dreams of others before his own. Albert was a man of many talents and friends. I am honored to say that he was a friend to the city of New York.

RECOGNIZING THE WORLD EQUESTRIAN GAMES IN THE HORSE CAPITAL OF THE WORLD

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. CHANDLER. Madam Speaker, the Bluegrass Region of Central Kentucky is one of the most picturesque spots in our country. Central Kentucky has miles of rolling fields of pasture partitioned with plank fencing. These fields and farms house some of the most spectacular athletes on the planet—horses—giving our region its name: the Horse Capital of the World. And in a few short weeks, the world is coming to see it.

For the first time since its start in 1990, the World Equestrian Games are coming to America and more specifically, to the Kentucky Horse Park. Lexington will take its place alongside other host cities to showcase the magnificence of the horse. Lexington and Central Kentucky will be on an international platform that in the past has included Stockholm, The Hague, Rome, Jerez in Spain and Aachen, Germany.

For 16 days, visitors and spectators from every state in the union and more than 50 other countries will see championship level competition in dressage, eventing, endurance, driving, reining, vaulting, jumping, and paradressage marking. And, for the first time, all eight competitions will be held at a single venue.

Truly this event will benefit the region and one of Kentucky's signature industries. In addition to an economic impact of millions, hundreds of members of the media from 40 or more countries will attend this event. Televised coverage of this event will represent the largest major network broadcast of equestrian sport in U.S. television history and presents a tremendous opportunity to portray the scenic beauty of Central Kentucky in a manner that may never be rivaled again.

Madam Speaker, I proudly ask you to join me in recognizing that the 2010 Alltech FEI World Equestrian Games will make the people of my district special ambassadors of good will by bringing the focus of international equestrian sport to what truly will be the Horse Capital of the World.

HONORING JIM RINGLAND

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Jim Ringland of Holts Summit, MO, who received the Silver Order of Saint Philip of Neri Award for his service in the United States Special Forces. Mr. Ringland served in the Special Forces for 26 years and has been a member of the Special Forces Association for 40 years.

The award is presented to those who are ''selfless, superb teachers and inspirational leaders'', the qualities of an ideal Special Forces soldier. Mr. Ringland received this honor due in large part to his exemplary performance as a teacher in the Green Berets, where he trained soldiers in areas such as psychological warfare, survival, and unconventional warfare. The Silver Order of Saint Philip of Neri Award has only been given to 10 people before Mr. Ringland.

Our country has been blessed to have citizens who have selflessly volunteered to defend our nation and freedom. They are the reason why we are the strongest nation on Earth, and the reason we stand today with freedom unparalleled across the globe. Without our nation's veterans and military men and women, and men like Jim Ringland, we would not have the rights and privileges that we as Americans enjoy today.

HONORING THE SERVICE OF DR. GREG MATHIS, SENIOR PASTOR AT MUD CREEK BAPTIST CHURCH IN HENDERSONVILLE, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. SHULER. Madam Speaker, I rise today to honor the service and accomplishments of Dr. Greg T. Mathis, Senior Pastor of Mud Creek Baptist Church of Hendersonville, North Carolina. This year, as Dr. Mathis celebrates his 30th year at Mud Creek Baptist Church, I am proud to pay tribute to his remarkable career of faith, strength, and the desire to live a fulfilling life helping others.

Serving as Senior Pastor since 1980, Dr. Mathis and his wife Deborah have helped build Mud Creek Baptist Church into a nationally recognized place of worship, with an average weekly attendance of 2700. Mud Creek Baptist Church was recently identified in a book entitled ''Excellent Protestant Congregations,'' as an excellent place to worship in America.

Dr. Mathis's good work does not stop at his own church. He regularly preaches at revivals, Bible conferences, and seminars throughout the Southern Baptist Convention. He has served as the President of the North Carolina Baptist State Convention and the North Carolina Pastors' Conference and as a member of the Executive, Resolutions, and Budget Committees of the Southern Baptist Convention. He was named as one of the most influential people in Baptist life by The Biblical Recorder, and was presented the Order of the Long Leaf Pine Award by Governor James B. Hunt for his service to the state of North Carolina.

Dr. Mathis graduated from Gardner-Webb College in 1977 with a Bachelor of Arts Degree and went on to graduate from the Southeastern Baptist Theological Seminary in 1980 with a Master of Divinity Degree. He has been recognized with two Honorary Doctor of Divinity Degrees from Gardner-Webb University in 2001 and North Greenville University in 2010. He is a published author with several well known books, including Five Smooth Stones and The Ultimate Life.

Madam Speaker, I ask my colleagues to join me in recognizing the impressive life and career of Dr. Greg T. Mathis. It is an honor for me to recognize his accomplishments and the profound impact he has on the religious life of countless Western North Carolinians, and to wish him continued success in future years.

THE OIL POLLUTION RESEARCH AND DEVELOPMENT PROGRAM REAUTHORIZATION (H.R. 2693) AND THE SAFER OIL AND NATURAL GAS DRILLING TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM (H.R. 5716)

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. VAN HOLLEN. Madam Speaker, I rise in support of today's oil spill legislation as part of Congress' comprehensive response to the Deepwater Horizon disaster in the Gulf.

The Oil Pollution Research and Development Program Reauthorization (H.R. 2693) will provide badly needed additional resources for oil spill research and development, as well as streamline the Interagency Coordinating Committee on Oil Pollution Research currently responsible for the nation's federally funded oil spill pollution R&D. Additionally, the Safer Oil and Natural Gas Drilling Technology Research and Development Program (H.R. 5716) will ensure that the federal government's existing R&D program for deepwater drilling is as focused on accident prevention, worker safety and environmental impact mitigation as it is on resource recovery.

While relatively modest in scope, these two initiatives will bring a more appropriate balance to federal policy with respect to deepwater drilling, help reduce the risk of future deepwater accidents, and improve our ability to respond to those accidents should they occur again.

I urge a yes vote.

RECOGNIZING THE 36TH ANNIVERSARY OF THE INVASION OF CYPRUS AND COMMENDING EFFORTS TO REACH A NEGOTIATED SETTLEMENT LEADING TO THE REUNIFICATION OF CYPRUS

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. GALLEGLY. Madam Speaker, this past weekend marked the 36th anniversary of the invasion of Cyprus by Turkish forces. During the war, approximately 5,000 Cypriots were killed and close to 200,000 Greek Cypriots were forcibly removed from their homes. This anniversary also marks another year in which Cyprus is divided between north and south and between the Turkish Cypriot and Greek Cypriot communities.

However, despite 36 years of division in Cyprus, I remain hopeful about reaching a just and lasting settlement. Following his election in February 2008, President Demetris Christofias followed through on his commitment to make the solution of the Cyprus problem his top priority. In September of that year, he embarked on full-fledged negotiations with Mehmet Talat, who was at the time the leader of the Turkish Cypriot community. I am encouraged that these negotiations are continuing under the new Turkish Cypriot leader Dervis Eroglu.

The ongoing talks aim at reaching a comprehensive settlement for the Cyprus problem with the goal of achieving the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant United Nations Security Council resolutions. The agreement should also lead to a single sovereignty, single citizenship and single international personality for Cyprus.

The House of Representatives has voiced its strong support for comprehensive settlement of the Cyprus issue. On October 9, 2007, the House passed House Resolution 405, which expressed its support for the immediate implementation of the U.N.-brokered July 8, 2006 agreement as the way forward to prepare for new comprehensive negotiations leading to the reunification of Cyprus within a bi-zonal, bi-communal federation. In addition, the resolution called upon the United States Government to fully support the immediate implementation this agreement in its entirety.

There are still many difficult issues that need to be resolved before a comprehensive agreement to the Cyprus problem can be achieved. Turkey, which continues to deploy 43,000 troops in Cyprus, is critical to reaching such an agreement. I urge Turkey to work constructively with the Cypriots in support of a negotiated settlement and the peaceful reunification of the island.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 21, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,245,998,461,216.30.

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 $2,607,572,715.50 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 22, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine social security disability fraud, focusing on case studies in Federal employees and commercial drivers licenses.
SD–342

10 a.m.
Foreign Relations
To hold hearings to examine considering Afghanistan's reconciliation options.
SD–419
Small Business and Entrepreneurship
To hold hearings to examine the deepwater drilling moratorium.
SD–106

2:15 p.m.
Foreign Relations
Business meeting to consider the nominations of Peter Michael McKinley, of Virginia, to be Ambassador to the Republic of Colombia, Rose M. Likins, of Virginia, to be Ambassador to the Republic of Peru, Christopher W. Murray, of New York, to be Ambassador to the Republic of the Congo, Mark Charles Storella, of Maryland, to be Ambassador to the Republic of Zambia, James Frederick Entwistle, of Virginia, to be Ambassador to the Democratic Republic of the Congo, Eric D. Benjaminson, of Oregon, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of Sao Tome and Principe, Phillip Carter III, of Virginia, to be Ambassador to the Republic of Cote d'Ivoire, J. Thomas Dougherty, of Wyoming, to be Ambassador to Burkina Faso, Michael S. Owen, of Virginia, to be Ambassador to the Republic of Sierra Leone, and Laurence D. Wohlers, of Washington, to be Ambassador to the Central African Republic, all of the Department of State, Mark Feierstein, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation.
S–116, Capitol
Foreign Relations
To hold hearings to examine the nominations of Alejandro Daniel Wolff, of California, to be Ambassador to the Republic of Chile, and Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, both of the Department of State.
SD–419

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine consumer online privacy.
SR–253
Judiciary
To hold hearings to examine Exxon Valdez to Deepwater Horizon, focusing on protecting victims of major oil spills.
SD–226
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine high-risk logistics planning, focusing on progress on improving Department of Defense supply chain management.
SR–418
Environment and Public Works
Water and Wildlife Subcommittee
To hold hearings to examine assessing natural resource damages resulting from the BP Deepwater Horizon disaster.
SD–406
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

JULY 28

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider H.R. 5610, to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers, and any pending nominations.
Room to be announced

10 a.m.
Homeland Security and Governmental Affairs
Business meeting to consider pending calendar business.
SD–342
Judiciary
To hold an oversight hearing to examine the Federal Bureau of Investigation.
SD–226
Rules and Administration
To resume hearings to examine the filibuster, focusing on legislative proposals to change Senate procedures.
SR–301

2:30 p.m.
Environment and Public Works
To hold hearings to examine protecting America's water treatment facilities.
SD–406
Judiciary
To hold hearings to examine certain nominations.
SD–226

3 p.m.
Homeland Security and Governmental Affairs
State, Local, and Private Sector Preparedness and Integration Subcommittee
Disaster Recovery Subcommittee
To hold joint hearings to examine flood preparedness and mitigation, focusing on map modernization, levee inspection, and levee repairs.
SD–342

JULY 29

9:30 a.m.
Armed Services
To hold hearings to examine the new START.
SD–G50

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities.
SD–342
Judiciary
Terrorism and Homeland Security Subcommittee
To hold hearings to examine the passport issuance process, focusing on closing the door to fraud, part II.
SD–226

AUGUST 5

9:30 a.m.
Veterans' Affairs
Business meeting to consider pending calendar business.
SR–418

SEPTEMBER 22

9:30 a.m.
Veterans' Affairs
To hold hearings to examine a legislative presentation focusing on the American Legion.
345, Cannon Building

SEPTEMBER 23

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.
SR–418

Daily Digest

HIGHLIGHTS

Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, American Jobs and Closing Tax Loopholes Act, as amended.

Senate

Chamber Action

Routine Proceedings, pages S6039–S6129

Measures Introduced: Eight bills and four resolutions were introduced, as follows: S. 3621–3628, S.J. Res. 35, and S. Res. 589–591. **Page S6078**

Measures Reported:

S. 148, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act. (S. Rept. No. 111–227)

S. 193, to create and extend certain temporary district court judgeships, with an amendment in the nature of a substitute.

S. 1346, to penalize crimes against humanity and for other purposes, with an amendment in the nature of a substitute. **Page S6078**

Measures Passed:

International Adoption Simplification Act: Senate passed S. 1376, to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Page S6120**

Reid (for Klobuchar) Amendment No. 4498, in the nature of a substitute. **Page S6120**

Authorizing Printing: Senate agreed to S. Res. 589, to authorize the printing of a revised edition of the Nomination and Election of the President and Vice President of the United States. **Pages S6120–21**

Gospel Music Heritage Month: Senate agreed to S. Res. 590, designating September 2010 as "Gospel Music Heritage Month" and honoring gospel music for its valuable contributions to the culture of the United States. **Page S6121**

Measures Considered:

Small Business Lending Fund Act—Agreement: Senate resumed consideration of H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, taking action on the following amendments and motion proposed thereto: **Pages S6072–73**

Pending:

Reid (for Baucus) Amendment No. 4499, in the nature of a substitute. **Page S6072**

Reid (for LeMieux) Amendment No. 4500 (to Amendment No. 4499), to establish the Small Business Lending Fund Program. **Page S6072**

Reid Amendment No. 4501 (to Amendment No. 4500), to change the enactment date. **Pages S6072–73**

Reid Amendment No. 4502 (to the language proposed to be stricken by Amendment No. 4499), to change the enactment date. **Page S6073**

Reid Amendment No. 4503 (to Amendment No. 4502), of a perfecting nature. **Page S6073**

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 4504 (the instructions on the motion to commit), relative to a study. **Page S6073**

Reid Amendment No. 4505 (to the instructions (Amendment No. 4504) of the motion to commit), of a perfecting nature. **Page S6073**

Reid Amendment No. 4506 (to Amendment No. 4505), of a perfecting nature. **Page S6073**

Withdrawn:

Reid (for Baucus/Landrieu) Amendment No. 4402, in the nature of a substitute. **Page S6072**

Reid Amendment No. 4403 (to Amendment No. 4402), of a perfecting nature. **Page S6072**

Reid Amendment No. 4404 (to Amendment No. 4403), of a perfecting nature. **Page S6072**

Reid Amendment No. 4405 (to the language proposed to be stricken by Amendment No. 4402), to change the enactment date. **Page S6072**

Reid Amendment No. 4406 (to Amendment No. 4405), of a perfecting nature. **Page S6072**

Reid motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 4407 (to the instructions on the motion to commit), in the nature of a substitute. **Page S6072**

Reid Amendment No. 4408 (the instructions (Amendment No. 4407) of the motion to commit), to change the enactment date. **Page S6072**

Reid Amendment No. 4409 (to Amendment No. 4408), of a perfecting nature. **Page S6072**

A motion was entered to close further debate on Reid (for LeMieux) Amendment No. 4500 (to Amendment No. 4499), of a perfecting nature, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 23, 2010. **Page S6073**

A motion was entered to close further debate on Reid (for Baucus) Amendment No. 4499, in the nature of a substitute, 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 Reid (for LeMieux) Amendment No. 4500 (to Amendment No. 4499) (listed above). **Page S6073**

A motion was entered to close further debate on the bill, 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 Reid (for Baucus) Amendment No. 4499 (listed above). **Page S6073**

A unanimous-consent agreement was reached providing for further consideration of the bill, on Thursday, July 22, 2010, upon disposition of S. Res. 591 and H.J. Res. 83. **Page S6121**

House Messages:

American Jobs and Closing Tax Loopholes Act: By 59 yeas to 39 nays (Vote No. 215), Senate agreed to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, with Reid Amendment No. 4425 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute, as amended, after taking action on the following motions and amendments proposed thereto: **Pages S6044–67**

Adopted:

Reid Amendment No. 4497 (to Amendment No. 4425), of a perfecting nature. **Page S6067**

Rejected:

By 42 yeas to 56 nays (Vote No. 210), two-thirds of Senators voting, a quorum being present, not having voted in the affirmative, Senate rejected Brown motion to suspend Rule XXII, paragraph 2 for purpose of proposing and considering Brown Amendment No. 4492. **Page S6065**

By 49 yeas to 49 nays (Vote No. 211), two-thirds of Senators voting, a quorum being present, not having voted in the affirmative, Senate rejected Coburn motion to suspend Rule XXII for purpose of making motion to refer the House Message on H.R. 4213 to the Committee on Finance, with instructions. **Page S6065**

By 54 yeas to 44 nays (Vote No. 212), two-thirds of Senators voting, a quorum being present, not having voted in the affirmative, Senate rejected Coburn motion to suspend Rule XXII for the purpose of proposing and considering Coburn Amendment No. 4493. **Page S6066**

By 39 yeas to 59 nays (Vote No. 213), two-thirds of Senators voting, a quorum being present, not having voted in the affirmative, Senate rejected DeMint motion to suspend Rule XXII for the purpose of making motion to refer the House Message on H.R. 4213 to the Committee on the Finance, with instructions. **Page S6066**

By 43 yeas to 55 nays (Vote No. 214), two-thirds of Senators voting, a quorum being present, not having voted in the affirmative, Senate rejected DeMint motion to suspend Rule XXII for the purpose of proposing and considering DeMint Amendment No. 4464. **Page S6067**

Withdrawn:

Reid Amendment No. 4426 (to Amendment No. 4425), to change the enactment date. **Page S6065**

20th Anniversary of the Americans With Disabilities Act—Agreement: A unanimous-consent-time agreement was reached providing that at approximately 9:30 a.m., on Thursday, July 22, 2010, Senate begin consideration of S. Res. 591, recognizing and honoring the 20th anniversary of the enactment of the Americans with Disabilities Act of 1990, that there be 2 hours of debate with respect to the resolution, with the time equally divided and controlled between Senators Harkin and Enzi, or their designees; that no amendments or motions be in order to the resolution; that upon use or yielding back of the time, the resolution be set aside, and upon adoption the preamble be agreed to. **Page S6119**

Burmese Freedom and Democracy Act—Agreement: A unanimous-consent-time agreement was reached providing that on Thursday, July 22, 2010, following the use or yielding back of time with respect to S. Res. 591, Senate begin consideration of

H.J. Res. 83, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, that all statutory time be yielded back, except for 20 minutes, with that time equally divided and controlled between Senators Baucus and McConnell, or their designees; that upon the use or yielding back of time, Senate vote on passage of the joint resolution, with all other provisions of the statute remaining in effect; that upon disposition of the joint resolution, Senate resume consideration of S. Res. 591, and vote on adoption of the resolution, with the provisions of the order governing S. Res. 591 still in effect. **Page S6119**

Nominations Received: Senate received the following nominations:

Mark M. Boulware, of Texas, to be Ambassador to the Republic of Chad.

Christopher J. McMullen, of Virginia, to be Ambassador to the Republic of Angola.

Joseph A. Mussomeli, of Virginia, to be Ambassador to the Republic of Slovenia.

Wanda L. Nesbitt, of Pennsylvania, to be Ambassador to the Republic of Namibia.

Karen Brevard Stewart, of Florida, to be Ambassador to the Lao People's Democratic Republic.

Charles Bernard Day, of Maryland, to be United States District Judge for the District of Maryland.

Kathleen M. Williams, of Florida, to be United States District Judge for the Southern District of Florida.

Albert Najera, of California, to be United States Marshal for the Eastern District of California for the term of four years.

William Claud Sibert, of Missouri, to be United States Marshal for the Eastern District of Missouri for the term of four years.

Myron Martin Sutton, of Indiana, to be United States Marshal for the Northern District of Indiana for the term of four years.

1 Air Force nomination in the rank of general.

4 Army nominations in the rank of general.

2 Marine Corps nominations in the rank of general.

1 National Oceanic and Atmospheric Administration nomination in the rank of admiral.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Foreign Service, and Navy. **Pages S6121–29**

Messages from the House: **Pages S6075–76**

Measures Referred: **Page S6076**

Measures Placed on the Calendar: **Pages S6076, S6119**

Measures Read the First Time: **Pages S6076, S6121**

Executive Communications: **Pages S6076–77**

Additional Cosponsors: **Pages S6078–79**

Statements on Introduced Bills/Resolutions: **Pages S6079–87**

Additional Statements: **Page S6075**

Amendments Submitted: **Pages S6087–S6119**

Authorities for Committees to Meet: **Page S6119**

Record Votes: Six record votes were taken today. (Total—215) **Pages S6065–67**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:56 p.m., until 9:30 a.m. on Thursday, July 22, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6121.)

Committee Meetings

(Committees not listed did not meet)

EMPOWERING RURAL COMMUNITIES

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine empowering rural communities, the status and future of the Farm Bill's energy and rural development programs after receiving testimony from Dallas Tonsager, Under Secretary of Agriculture for Rural Development; Mayor JoAnne H. Bush, Lake Village, Arkansas; General Wesley Clark, Growth Energy, and David P. Tenny, National Alliance of Forest Owners (NAFO), both of Washington, D.C.; Dennis Sternberg, Arkansas Rural Water Association, Lonoke; Glenn English, National Rural Electric Cooperatives Association, Arlington, Virginia; and Eric Zuber, Byron, New York.

APPROPRIATIONS: COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies approved for full committee consideration an original bill making appropriations for Commerce, Justice, Science, and Related Agencies for fiscal year 2011.

APPROPRIATIONS: TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies approved for full committee consideration an original bill making appropriations for Transportation, Housing and Urban Development, and Related Agencies for fiscal year 2011.

SEMIANNUAL MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the semiannual monetary policy report to the Congress,

after receiving testimony from Ben Bernanke, Chairman, Board of Governors of the Federal Reserve System.

EFFECTIVE CLEAN UP AND RESTORATION IN THE GULF

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine ensuring effective clean up and restoration in the Gulf, after receiving testimony from Captain Matthew J. Sisson, Commanding Officer, Coast Guard, Research and Development Center, Department of Homeland Security; Douglas Helton, Incident Operations Coordinator, Office of Response and Restoration, National Oceanic and Atmospheric Administration, Department of Commerce; Scott Pegau, Oil Spill Recovery Institute, Cordova, Alaska; Nancy E. Kinner, University of New Hampshire Coastal Response Research Center, Durham; Cynthia Sarthou, Gulf Restoration Network; Dennis Yellowhorse Jones, U Mate International, Inc., Scottsdale, Arizona; and Frederick R. Stahr, University of Washington College of the Environment School of Oceanography Seaglider Fabrication Center, Seattle.

SAFE PORT ACT REAUTHORIZATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine Security and Accountability For Every (SAFE) Port Act reauthorization, focusing on our nation's infrastructure, after receiving testimony from Alan Bersin, Commissioner, Customs and Border Protection, and Admiral Robert J. Papp, Commandant, Coast Guard, both of the Department of Homeland Security; and Stephen L. Caldwell, Director, Homeland Security and Justice Issues, Government Accountability Office.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 2052, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors;

S. 2812, to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, with an amendment;

S. 2843, to provide for a program of research, development, demonstration, and commercial application in vehicle technologies at the Department of Energy, with an amendment in the nature of a substitute;

S. 3495, to promote the deployment of plug-in electric drive vehicles, with an amendment in the nature of a substitute;

S. 349, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, with an amendment in the nature of a substitute;

S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, with an amendment in the nature of a substitute;

S. 1651, to modify a land grant patent issued by the Secretary of the Interior, with an amendment;

S. 1689, to designate certain land as components of the National Wilderness Preservation System and the National Landscape Conservation System in the State of New Mexico, with an amendment in the nature of a substitute;

S. 1750, to authorize the Secretary of the Interior to conduct a special resource study of the General of the Army George Catlett Marshall National Historic Site at Dodona Manor in Leesburg, Virginia;

S. 3303, to establish the Chimney Rock National Monument in the State of Colorado, with an amendment in the nature of a substitute;

S. 3313, to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, with an amendment;

H.R. 685, to require the Secretary of the Interior to conduct a special resource study regarding the proposed United States Civil Rights Trail;

H.R. 1612, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service, with an amendment in the nature of a substitute;

S. 745, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, with an amendment;

H.R. 4349, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam; and

H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California.

Committee recessed subject to the call.

TROUBLED ASSET RELIEF PROGRAM

Committee on Finance: Committee concluded a hearing to examine an update on the Troubled Asset Relief Program (TARP), focusing on the continued attention needed to ensure the transparency and accountability of ongoing programs, after receiving testimony from Neil Barofsky, Special Inspector General for the Troubled Asset Relief Program; Elizabeth Warren, Chair, Congressional Oversight Panel; and Richard J. Hillman, Managing Director, Financial Markets and Community Investment, Government Accountability Office.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Scot Alan Marciel, of California, to be Ambassador to the Republic of Indonesia, Judith R. Fergin, of Washington, to be Ambassador to the Democratic Republic of Timor-Leste, Helen Patricia Reed-Rowe, of Maryland, to be Ambassador to the Republic of Palau, and Paul W. Jones, of New York, to be Ambassador to Malaysia, all of the Department of State, Robert M. Orr, of Florida, to be United States Director of the Asian Development Bank, with the rank of Ambassador, who was introduced by Senator Nelson (FL), and Nisha Desai Biswal, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

QUADRENNIAL HOMELAND SECURITY REVIEW AND BOTTOM UP REVIEW

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the Homeland Security Department's Quadrennial Homeland Security Review and Bottom Up Review, after receiving testimony from Jane Holl Lute, Deputy Secretary of Homeland Security.

RARE AND NEGLECTED PEDIATRIC DISEASES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine treating rare and neglected pediatric diseases, focusing on promoting the development of new treatments and cures, after receiving testimony from Jesse L. Goodman, Chief Scientist, and Deputy Commissioner, Science and Public Health, Food and Drug Administration, and Alan E. Guttmacher, Acting Director, National Institute of Child Health and Human Development, National Institutes of Health, both of the Department of Health and Human Services; Alexander J. Silver, Jackson Gabriel Silver Foundation, and Suerie Moon, Doctors Without Borders/Medecins Sans Frontieres-USA, both of New York, New York; Diane Edquist Dorman, National Organization for Rare Disorders (NORD), Washington, D.C.; John F. Crowley, Amicus Therapeutics, Cranbury, New Jersey, on behalf of the Biotechnology Industry Organization; and Daniel A.C. Frattarelli, American Academy of Pediatrics, Dearborn, Michigan.

SECOND CHANCE ACT

Committee on the Judiciary: Committee concluded a hearing to examine the Second Chance Act, focusing on strengthening safe and effective community reentry, after receiving testimony from Andrew A. Pallito, Vermont Department of Corrections Commissioner, Waterbury; Le'Ann Duran, National Reentry Resource Center, and Howard Husock, Manhattan Institute for Policy Research, both of New York, New York; Sol Rodriguez, OpenDoors, Providence, Rhode Island; and David B. Muhlhausen, Heritage Foundation, Washington, D.C.

POST–9/11 GOVERNMENT ISSUE BILL

Committee on Veterans' Affairs: Committee concluded a hearing to examine improvements to the post-9/11 Government Issue (GI) Bill, including S. 3447, to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, after receiving testimony from Robert E. Clark, Assistant Director for Accession Policy, Office of the Under Secretary of Defense for Personnel and Readiness; Keith M. Wilson, Director, Education Service, Department of Veterans Affairs; Captain Gerard M. Farrell, USN (Ret.), Commissioned Officers' Association of the U.S. Public Health Service, Landover, Maryland; Eric Hilleman, Veterans of Foreign Wars of the United States, Terry W. Hartle, American Council on Education, and Tim Embree, Iraq and Afghanistan Veterans of America, all of Washington, D.C.; and Judith Flink, University of Illinois Student Financial Services, Champaign.

CONTINUING CARE RETIREMENT COMMUNITIES

Special Committee on Aging: Committee concluded a hearing to examine continuing care retirement communities (CCRCs), focusing on if CCRCs are a secure retirement or a risky investment, how CCRCs operate and what financial risks are associated with their operation and establishment, how state laws address these risks and what is known about how adequately they protect CCRCs' financial condition, risks CCRC residents face, and how state laws address these risks and what is known about their adequacy, after receiving testimony from Alicia Puente Cackley, Director, Financial Markets and Community Investment, Government Accountability Office;

Kevin M. McCarty, Florida Office of Insurance Regulation, Tallahassee; Katherine C. Pearson, Penn State University Elder Law and Consumer Protection Clinic, University Park; David Erickson, Covenant Retirement Communities, Skokie, Illinois, on behalf of the American Association of Homes and Services for the Aging; and Charles W. Prine, Mt. Lebanon, Pennsylvania.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 5803–5812; and 5 resolutions, H. Con. Res. 299–300; and H. Res. 1546–1548 were introduced. **Pages H5919–20**

Additional Cosponsors: **Pages H5920–21**

Reports Filed: Reports were filed today as follows:

H.R. 2693, to amend title VII of the Oil Pollution Act of 1990, with an amendment (H. Rept. 111–553);

H.R. 5716, to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources, with an amendment (H. Rept. 111–554, Pt. 1); and

H. Res. 1549, providing for consideration of the bill (H.R. 1264) to amend the National Flood Insurance Act of 1968 to provide for the national flood insurance program to make available multiperil coverage for damage resulting from windstorms or floods (H. Rept. 111–555). **Page H5919**

Chaplain: The prayer was offered by the guest chaplain, Reverend Herbert Brooks, Jr., St. John Missionary Baptist Church, Joliet, Illinois. **Page H5821**

Suspensions: The House agreed to suspend the rules and pass the following measures:

U.S. Manufacturing Enhancement Act of 2010: H.R. 4380, amended, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, by a ⅔ yea-and-nay vote of 378 yeas to 43 nays, Roll No. 456; **Pages H5825–52, H5884**

Indian Arts and Crafts Amendments Act of 2010: Concurred in the Senate amendment to H.R. 725, to protect Indian arts and crafts through the improvement of applicable criminal proceedings, by a ⅔ yea-and-nay vote of 326 yeas to 92 nays, Roll No. 455; **Pages H5852–68, H5883**

Amending the National Law Enforcement Museum Act to extend the termination date: S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date; **Pages H5868–69**

Federal Oil Spill Research Program Act: H.R. 2693, amended, to amend title VII of the Oil Pollution Act of 1990; **Pages H5869–74**

Safer Oil and Natural Gas Drilling Technology Research and Development Act: H.R. 5716, amended, to provide for enhancement of existing efforts in support of research, development, demonstration, and commercial application activities to advance technologies for the safe and environmentally responsible exploration, development, and production of oil and natural gas resources; **Pages H5874–78**

Supporting the goals and ideals of National Aerospace Week: H. Con. Res. 292, to support the goals and ideals of National Aerospace Week, by a ⅔ yea-and-nay vote of 413 yeas with none voting "nay", Roll No. 454; and **Pages H5878–80, H5882–83**

Supporting the goals and ideals of "Fragile X Awareness Day": H. Res. 611, amended, to support the goals and ideals of "Fragile X Awareness Day". **Pages H5880–82**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, July 20th:

Congratulating the Saratoga Race Course as it celebrates its 142nd season: H. Res. 1513, amended, to congratulate the Saratoga Race Course as it celebrates its 142nd season, by a ⅔ yea-and-nay vote of 396 yeas to 14 nays with 2 voting "present", Roll No. 457; **Pages H5884–85**

Prevention of Interstate Commerce in Animal Crush Videos Act of 2010: H.R. 5566, amended, to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, by a ⅔ yea-and-nay vote of 416 yeas to 3 nays, Roll No. 459; and **Pages H5892–93**

Honoring the service and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard: H. Res. 1411, amended, to honor the service

and commitment of the 111th Fighter Wing, Pennsylvania Air National Guard, by a ⅔ recorded vote of 417 ayes with none voting "no", Roll No. 460. Pages H5893–94

Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules: H. Res. 1537, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, by a yea-and-nay vote of 233 yeas to 185 nays, Roll No. 458, after the previous question was ordered without objection. Pages H5885–92

Senate Message: Message received from the Senate today appears on page H5868 and H5917.

Senate Referral: S. 3250 was referred to the Committee on Transportation and Infrastructure. Page H5918

Quorum Calls—Votes: Six yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H5882–83, H5883, H5884, H5884–85, H5892, H5893, H5893–94. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:49 p.m.

Committee Meetings

SPECIALTY/ORGANIC PROGRAMS FARM BILL

Committee on Agriculture: Subcommittee on Horticulture and Organic Agriculture held a hearing to review specialty crop and agriculture programs in advance of the 2010 Farm bill. Testimony was heard from public witnesses.

MINER SAFETY AND HEALTH ACT OF 2010

Committee on Education and Labor: Ordered reported, as amended, H.R. 5663, Miner Safety and Health Act of 2010.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported, as amended, the following bills: H.R. 3101, Twenty-First Century Communications and Video Accessibility Act of 2010; H.R. 4692, National Manufacturing Strategy Act of 2010; H.R. 5156, Clean Energy Technology Manufacturing and Export Assistance Act of 2010; H.R. 4678, Foreign Manufacturer Legal Accountability Act of 2010; and H.R. 3655, Bereaved Consumer's Bill of Rights Act of 2009.

INTERNET GAMBLING REGULATIONS, CONSUMER PROTECTION AND ENFORCEMENT ACT

Committee on Financial Services: Held a hearing on H.R. 2267, Internet Gambling Regulation, Consumer Protection and Enforcement Act. Testimony was heard from public witnesses.

PROTECTING U.S. INTELLECTUAL PROPERTY OVERSEAS

Committee on Foreign Affairs: Held a hearing on Protecting U.S. Intellectual Property Overseas: The Joint Strategic Plan Beyond. Testimony was heard from Victoria A. Espinel, U.S. Intellectual Property Enforcement Coordinator, Executive Office of the President; John T. Morton, Assistant Secretary, U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security; and a public witness.

MERIDA INITIATIVE ASSESSMENT

Committee on Foreign Affairs: Subcommittee on Western Hemisphere held a hearing on Assessing the Merida Initiative: A Report from the GAO. Testimony was heard from Jess T. Ford, Director, International Affairs and Trade Team, GAO.

ENSURING JUSTICE FOR OIL SPILL VICTIMS

Committee on the Judiciary: Held a hearing on Ensuring Justice for Victims of the Gulf Coast Oil Disaster. Testimony was heard from Kenneth R. Feinberg, Administrator, Gulf Coast Claims Facility.

INTERNATIONAL COUNTERNARCOTICS POLICIES

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing entitled "International Counternarcotics Policies: Do They Reduce Domestic Consumption or Advance Other Foreign Policy Goals?" Testimony was heard from R. Gil Kerlikowske, Director, Office of National Drug Control Policy; Jess T. Ford, Director, International Affairs and Trade Team, GAO; Ambassador David T. Johnson, Assistant Secretary, Bureau of International Narcotics and Law Enforcement, Department of State; William F. Wechsler, Deputy Assistant Secretary, Counternarcotics and Global Threats, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES; FEDERAL WORKERS PROTECTION PRE- AND POST-INJURY

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and

the District of Columbia approved for full Committee action the following bills: H.R. 5522, Federal Supervisor Training Act of 2010; H.R. 5702, To amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in the membership of the Council of the District of Columbia; and H.R. 5746, as amended, United States Postal Service's CSRC Obligation Modification Act of 2010.

The Committee also held a hearing entitled ''Are Agencies Playing Safe and Secure: An Examination of Worker Protections Pre- and Post-Injury.'' Testimony was heard from John Howard, M.D., Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; Shelby Hallmark, Director, Office of Workers' Compensation Programs, Department of Labor; Jill M. Segraves, Director, Occupational Safety, Health and Environment, Transportation Security Administration, Department of Homeland Security, and public witnesses.

FEDERAL GREEN BUILDING PRACTICES

Committee on Oversight and Government Reform: Subcommittee on Government Management, Organization and Procurement held a hearing entitled '' Green Building Practices in the Federal Sector: Progress and Challenges to Date.'' Testimony was heard from Kevin Kampschroer, Director, Office of Federal High Performance Green Buildings, GSA; Kathleen Hogan, Deputy Assistant Secretary, Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy; Dennis Bushta, Deputy Director, Office of Administration, EPA; and public witnesses.

MULTIPLE PERIL INSURANCE ACT OF 2009

Committee on Rules: Granted by a non-record vote, a closed rule providing consideration of H.R. 1264, the ''Multiple Peril Insurance Act of 2009.'' The rule provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against the bill. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Frank of Massachusetts, and Representative Capito.

SMITHSONIAN INSTITUTION SCIENCE AND EDUCATION

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on Behind the Scenes: Science and Education at the Smithsonian Institution. Testimony was heard from the following officials of the Smithsonian Institution: Wayne Clough, Secretary; Claudine Brown, Director of Education; and Eldredge Bermingham, Director, Smithsonian Tropical Research Institute; and Shari Werb, Assistant Director of Education, National Museum of Natural History.

INTELLECTUAL PROPERTY ENTREPRENEURSHIP AND JOB CREATION

Committee on Small Business: Held a hearing entitled ''Impact of Intellectual Property on Entrepreneurship and Job Creation.'' Testimony was heard from public witnesses.

BRIDGE INSPECTION PROGRAMS OVERSIGHT

Committee on Transportation and Infrastructure: Subcommittee on Highway and Transit held a hearing on Oversight of the Highway Bridge Program and the National Bridge Inspection Program. Testimony was heard from the following officials of the Department of Transportation: Joseph W. Come, Assistant Inspector General, Highway and Transit Audits, Office of the Inspector General; and King W. Gee, Associate Administrator, Infrastructure, Federal Highway Administration; Phillip R. Herr, Director, Physical Infrastructure Issues, GAO; and Malcolm T. Kerley, Chief Engineer, Department of Transportation, State of Virginia.

PIPELINE SAFETY PUBLIC AWARENESS

Committee on Transportation and Infrastructure: Subcommittee on Railroad, Pipelines, and Hazardous Materials held a hearing on Pipeline Safety Public Awareness and Education. Testimony was heard from Cynthia Quarterman, Administrator, Pipeline and Hazardous Materials Safety Administration; and public witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JULY 22, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine lessons from the 2010 Tennessee flood, 9:30 a.m., SD–192.

Full Committee, business meeting to mark up proposed budget estimates for fiscal year 2011 for Energy and Water Development, Transportation and Housing and Urban Development, and Related Agencies, and Commerce, Justice, Science, and Related Agencies, 2 p.m., SD–106.

Committee on Commerce, Science, and Transportation: Business meeting to consider pending calendar business, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Business meeting to consider S. 679, to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, S. 2900, to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems, S. 3396, to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources, S. 3460, to require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, H.R. 2729, to authorize the designation of National Environmental Research Parks by the Secretary of Energy, S. 227, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, S. 1117, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, S. 1320, to provide assistance to owners of manufactured homes constructed before January 1, 1976, to purchase Energy Star-qualified manufactured homes, S. 1596, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California, S. 2976, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, S. 3075, to withdraw certain Federal land and interests in that land from location, entry, and patent under the mining laws and disposition under the mineral and geothermal leasing laws, H.R. 2265, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area, H.R. 2442, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to expand the Bay Area Regional Water Recycling Program, H.R. 2522, to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, H.R. 3388, to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and H.R. 4395, to revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, 11 a.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety, to hold an oversight hearing to examine the Environmental Protection Agency's proposal for Federal implementation plans to reduce interstate transport of fine particulate matter and ozone, 9:15 a.m., SD–406.

Committee on Foreign Relations: To hold hearings to examine the nominations of Patrick S. Moon, of Virginia, to be Ambassador to Bosnia and Herzegovina, Luis E. Arreaga-Rodas, of Virginia, to be Ambassador to the Republic of Iceland, Daniel Bennett Smith, of Virginia, to be Ambassador to Greece, and Matthew J. Bryza, of Illinois, to be Ambassador to the Republic of Azerbaijan, all of the Department of State, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety, to hold hearings to examine workplace safety and worker protections at BP, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine disaster medical preparedness, focusing on improving coordination and collaboration in the delivery of medical assistance during disasters, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to resume hearings to examine the Gulf of Mexico oil spill, focusing on ensuring a financially responsible recovery, 2:30 p.m., SD–342.

Committee on Indian Affairs: To hold hearings to examine S. 2956, to authorize the Pechanga Band of Luiseno Mission Indians Water Rights Settlement, and S. 3290, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, 10:30 a.m., SD–628.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the state of crop insurance industry, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, to mark up the FY 2011 Interior and Environment Appropriations bill, 2:30 p.m., B–308 Rayburn.

Committee on Armed Services, hearing on managing the Department of Defense in a time of tight budgets, 10 a.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on the following: the Best Practices Act; and a discussion draft to require notice to and consent of an individual prior to the collection and disclosure of certain personal information relating to that individual, 2 p.m., 2322 Rayburn.

Subcommittee on Health, hearing on the following measures: H.R. 5710, National All-Schedules Electronic Reporting Reauthorization Act of 2010; and the Safe Drug Disposal Act, 10 a.m., and to mark up the following measures: H.R. 903, Dental Emergency Responder Act of 2009; H.R. 1745, Family Health Care Accessibility Act of 2009; H.R. 3199, Emergency Medic Transition (EMT) Act of 2009; H.R. 5710, National All Schedules Prescription Electronic Reporting Reauthorization Act of 2010; H.R. 5756, To amend title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide for grants and technical assistance to improve services rendered to children and adults with autism, and their families, and to expand the number of University Centers for Excellence in Developmental Disabilities Education, Research, and Service; and the Safe Drug Disposal Act of 2010, 3 p.m., 2322 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''Direct-to-Consumer Genetic Testing and the Consequences to the Public Health,'' 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on Monetary Policy and the State of the Economy, 9:30 a.m., and 1:30 p.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Transshipment and Diversion: Are U.S. Trading Partners Doing Enough to Prevent the Spread of Dangerous Technologies? 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime and Global Counterterrorism, hearing entitled ''Enhancing DHS'' Efforts to Disrupt Alien Smuggling Across Our Borders,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, hearing on the Americans with Disabilities Act at 20—Celebrating Our Progress, Affirming Our Commitment, 2 p.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 2523, HEALTH Act; H.R. 4347, Department of the Interior Tribal Self-Governance Act of 2009; H.R. 5479, CARE Act; H.R. 4888, Cabin Fee Act of 2010; H.R. 4416, Great Ape Conservation Reauthorization Act 2010; H.R. 3785, Chattahoochee River National Recreation Area Boundary Study Act of 2009; H.R. 4195, To authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs; H.R. 4823, Sedona-Red Rock National Scenic Area Act of 2010; H.R. 5110, Casa Grande Ruins National Monument Boundary Modification Act of 2010; H.R. 5388, To expand the boundaries of the Cibola National Forest in the State of New Mexico; H.R. 5494, To direct the Director of the National Park Service and the Secretary of the Interior to transfer certain properties to the District of Columbia; H.R. 5152, Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2010; H.R. 5194, Mt. Andrea Lawrence Designation Act of 2010; and H.R. 5131, Coltsville National Historical Park Act, 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing to examine the Department of the Interior's oversight of offshore oil drilling, including the management, operation, and effectiveness of the Minerals Management Service (MMS), the proposed reorganization of MMS, and issues related to the Deepwater Horizon explosion, 10 a.m., 2154 Rayburn.

Subcommittee on Domestic Policy, hearing entitled ''Quitting Hard Habits: Efforts to Expand and Improve Alternatives to Incarceration for Drug-Involved Offenders,'' 2 p.m., 2154 Rayburn.

Subcommittee on Information Policy, Census, and National Archives, hearing entitled ''Government 2.0: Federal Agency Use of Web 2.0 Technologies,'' 2 p.m., 2247 Rayburn.

Committee on Science and Technology, to mark up H.R. 5781, National Aeronautics and Space Administration Authorization Act of 2010, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Development, Entrepreneurship and Trade, hearing entitled ''Coal Combustion Byproducts: Potential Impact of a Hazardous Waste Designation on Small Businesses in the Recycling Industry,'' 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing on healing the Physical Injuries of War, 10 a.m., 334 Cannon.

Committee on Ways and Means, hearing on transfer pricing issues, 1 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, briefing on Iran, 9:30 a.m., 304–HVC.

Joint Meetings

Commission on Security and Cooperation in Europe: To hold hearings to examine the plight of hundreds of thousands of Iraqi refugees and Iraqi allies, 2:30 p.m., SR–385.

Next Meeting of the SENATE

9:30 a.m., Thursday, July 22

Senate Chamber

Program for Thursday: Senate will begin consideration of S. Res. 591, 20th Anniversary of Americans with Disabilities Act, with up to two hours of debate; following which, Senate will begin consideration of H.J. Res. 83, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and after a period of debate, vote on S. Res. 591 and H.J. Res. 83 at approximately 12 noon. Following the two votes, Senate will continue consideration of H.R. 5297, Small Business Lending Fund Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 22

House Chamber

Program for Thursday: Consideration of H.R. 1264—Multiple Peril Insurance Act (Subject to a Rule).

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