

Senate to make that even clearer. The bill now states that “[i]f there is no other basis for removal, only that proceeding may be removed to the district court.” This makes very clear that the Federal court must consider the discovery request served on the Federal official as a separate proceeding from the underlying State court case.

This bill continues to have strong bipartisan support, and I would like to thank Chairman CONYERS, Ranking Member SMITH, and the Ranking Member of the Courts Subcommittee, HOWARD COBLE of North Carolina, for their work on this bill. I would also like to thank Courts Subcommittee counsel Liz Stein for all her tremendous work on this bill over several months.

I urge my colleagues to support this important legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### HONORING THE 50TH ANNIVERSARY OF THE FREEDOM RIDES

Mr. JOHNSON of Georgia. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Resolution 1779 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

##### H. RES. 1779

Whereas, on May 4, 1961, a Greyhound bus left Washington, DC with black and white passengers and traveled South to challenge discriminatory racial segregation laws;

Whereas, while the travels of these passengers were initially called a Journey of Reconciliation, their efforts would come to be known as the Freedom Rides;

Whereas these Southern-bound passengers, known as the Freedom Riders, were united by their commitment to end segregation and ongoing racial discrimination;

Whereas the Freedom Riders traveled into states where Jim Crow laws were still prevalent, thus challenging the Federal Government to enforce its decision to overturn them by non-violently integrating the bus routes and rest stops;

Whereas, on their journeys during the Summer of 1961, the Freedom Riders would stop at locations in Virginia, North Carolina, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, and Louisiana;

Whereas, at many times during the Freedom Rides, the Riders encountered antagonism, verbal abuse, acts of violence, and incarceration, yet never gave up their commitment to equality and social justice;

Whereas, led by James Farmer and the Congress of Racial Equality, the Freedom Riders were successful in part due to their role-playing preparation and practice in non-violence and Gandhian principles;

Whereas the Freedom Riders' non-violent actions would help expose to the Nation and the world the cruelty and injustice of Jim Crow laws; and

Whereas the Freedom Rides would spur the Kennedy Administration to enforce laws and

judicial rulings that guaranteed the rights and safety of all passengers, regardless of race, gender, or religious background, to sit wherever they desired on bus routes and at rest stops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the 50th anniversary of the Freedom Rides; and

(2) recognizes the extraordinary leadership and sacrifice of the Freedom Riders in their commitment to ending racial segregation in America.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. JOHNSON of Georgia. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to include their statements into the RECORD.

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

There was no objection.

#### REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

Mr. McDERMOTT. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5901) to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investment in United States real property interests, and for other purposes, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

##### SECTION 1. AUTHORITY OF TAX COURT TO APPOINT EMPLOYEES.

(a) IN GENERAL.—Subsection (a) of section 7471 of the Internal Revenue Code of 1986 (relating to employees) is amended to read as follows:

“(a) APPOINTMENT AND COMPENSATION.—

“(1) CLERK.—The Tax Court may appoint a clerk without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The clerk shall serve at the pleasure of the Tax Court.

“(2) JUDGE-APPOINTED EMPLOYEES.—

“(A) IN GENERAL.—The judges and special trial judges of the Tax Court may appoint employees, in such numbers as the Tax Court may approve, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Any such employee shall serve at the pleasure of the appointing judge.

“(B) EXEMPTION FROM FEDERAL LEAVE PROVISIONS.—A law clerk appointed under this subsection shall be exempt from the provisions of subchapter I of chapter 63 of title 5, United States Code. Any unused sick leave or annual leave standing to the law clerk's credit as of the effective date of this subsection shall remain credited to the law clerk and shall be available to the law clerk upon separation from the Federal Government.

“(3) OTHER EMPLOYEES.—The Tax Court may appoint necessary employees without regard to the provisions of title 5, United States Code,

governing appointments in the competitive service. Such employees shall be subject to removal by the Tax Court.

“(4) PAY.—The Tax Court may fix and adjust the compensation for the clerk and other employees of the Tax Court without regard to the provisions of chapter 51, subchapter III of chapter 53, or section 5373 of title 5, United States Code. To the maximum extent feasible, the Tax Court shall compensate employees at rates consistent with those for employees holding comparable positions in courts established under Article III of the Constitution of the United States.

“(5) PROGRAMS.—The Tax Court may establish programs for employee evaluations, incentive awards, flexible work schedules, premium pay, and resolution of employee grievances.

“(6) DISCRIMINATION PROHIBITED.—The Tax Court shall—

“(A) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

“(B) promulgate procedures for resolving complaints of discrimination by employees and applicants for employment.

“(7) EXPERTS AND CONSULTANTS.—The Tax Court may procure the services of experts and consultants under section 3109 of title 5, United States Code.

“(8) RIGHTS TO CERTAIN APPEALS RESERVED.—Notwithstanding any other provision of law, an individual who is an employee of the Tax Court on the day before the effective date of this subsection and who, as of that day, was entitled to—

“(A) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

“(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code,

“(C) appeal a prohibited personnel practice described under section 2302(b) of title 5, United States Code, to the Merit Systems Protection Board under chapter 77 of that title,

“(D) make an allegation of a prohibited personnel practice described under section 2302(b) of title 5, United States Code, with the Office of Special Counsel under chapter 12 of that title for action in accordance with that chapter, or

“(E) file an appeal with the Equal Employment Opportunity Commission under part 1614 of title 29 of the Code of Federal Regulations,

shall continue to be entitled to file such appeal or make such an allegation so long as the individual remains an employee of the Tax Court.

“(9) COMPETITIVE STATUS.—Notwithstanding any other provision of law, any employee of the Tax Court who has completed at least 1 year of continuous service under a non-temporary appointment with the Tax Court acquires a competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications.

“(10) MERIT SYSTEM PRINCIPLES, PROHIBITED PERSONNEL PRACTICES, AND PREFERENCE ELIGIBLES.—Any personnel management system of the Tax Court shall—

“(A) include the principles set forth in section 2301(b) of title 5, United States Code;

“(B) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code; and

“(C) in the case of any individual who would be a preference eligible in the executive branch, provide preference for that individual in a manner and to an extent consistent with preference accorded to preference eligibles in the executive branch.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date the United States Tax Court adopts a personnel management system after the date of the enactment of this Act.

Amend the title so as to read: “An Act to amend the Internal Revenue Code of 1986 to

authorize the tax court to appoint employees.”

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

There was no objection.

A motion to reconsider was laid on the table.

#### MAKING A TECHNICAL CORRECTION TO IMPLEMENT THE VETERANS EMPLOYMENT OPPORTUNITIES ACT

Mrs. DAVIS of California. Madam Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 1783) making a technical correction to a cross-reference in the final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House of Representatives and employees of the House of Representatives, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

#### H. RES. 1783

*Resolved*, That section 3(b) of House Resolution 1757, agreed to December 15, 2010, is amended by striking paragraph (1) and redesignating paragraphs (2) through (5) as paragraphs (1) through (4).

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### CLARIFYING FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER POLLUTION

Mr. PERRIELLO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3481) to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

#### S. 3481

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

#### SECTION 1. FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER PROGRAMS.

Section 313 of the Federal Water Pollution Control Act (33 U.S.C. 1323) is amended by adding at the end the following:

“(c) REASONABLE SERVICE CHARGES.—

“(1) IN GENERAL.—For the purposes of this Act, reasonable service charges described in subsection (a) include any reasonable nondiscriminatory fee, charge, or assessment that is—

“(A) based on some fair approximation of the proportionate contribution of the property or facility to stormwater pollution (in terms of quantities of pollutants, or volume or rate of stormwater discharge or runoff from the property or facility); and

“(B) used to pay or reimburse the costs associated with any stormwater management program (whether associated with a separate storm sewer system or a sewer system that manages a combination of stormwater and sanitary waste), including the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge, regardless of whether that reasonable fee, charge, or assessment is denominated a tax.

“(2) LIMITATION ON ACCOUNTS.—

“(A) LIMITATION.—The payment or reimbursement of any fee, charge, or assessment described in paragraph (1) shall not be made using funds from any permanent authorization account in the Treasury.

“(B) REIMBURSEMENT OR PAYMENT OBLIGATION OF FEDERAL GOVERNMENT.—Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government, as described in subsection (a), shall not be obligated to pay or reimburse any fee, charge, or assessment described in paragraph (1), except to the extent and in an amount provided in advance by any appropriations Act to pay or reimburse the fee, charge, or assessment.”

Mr. OBERSTAR. Madam Speaker, I rise in strong support of S. 3481, a bill to amend the Clean Water Act to clarify Federal responsibility for stormwater pollution.

I applaud the outstanding work of the sponsors of this legislation, the distinguished Senator from the State of Maryland (Mr. CARDIN), as well as the sponsor of the House companion bill (H.R. 5724), the Delegate from the District of Columbia (Ms. NORTON), for their efforts to move this important legislation for the protection of our Nation's waters.

Simply put, this legislation clarifies that Federal agencies and departments are financially responsible for any reasonable Federal, state, or locally derived charges for treating or otherwise addressing stormwater pollution that emanates from Federal property.

Madam Speaker, over the past 4 years, the Committee on Transportation and Infrastructure has examined the progress made over the past few decades in improving the overall quality of the Nation's waters, as well as the challenges that remain to achieving the goals of “fishable and swimmable waters” called for in the enactment of the 1972 Clean Water Act.

Although significant progress has been made in the past four decades, approximately 40 percent of the Nation's assessed rivers, lakes, and coastal waters still do not meet water quality standards. States, territories, Tribes, and other jurisdictions report that poor water quality continues to affect aquatic life, fish consumption, swimming, and sources of drinking water in all types of waterbodies.

In a recent report on the National Water Quality Inventory, States, territories, Tribes, and interstate commissions report that they monitor only 33 percent of the Nation's waters. Of those, about 44 percent of streams, 64 percent of lakes, and 30 percent of estuaries were not clean enough to support their designated uses (e.g., fishing and swimming).

While these numbers highlight the remaining need to improve the quality of the Nation's waters, they also demonstrate how this country's record on improving water quality is slipping—

demonstrating a slight, but significant reversal of efforts to clean up the Nation's waters over the past 30 years.

For example, in the 1996 National Water Quality Inventory report, States reported that of the 3.6 million miles of rivers and streams that were assessed, 64 percent were either fully supporting all designated uses or were threatened for one or more of those uses. In the 1998 report, this number improved to 65 percent of assessed rivers and streams. However, in the 2000 National Water Quality Inventory report, this number slipped to only 61 percent of assessed rivers and streams either meeting water quality standards or being threatened for one or more of the waterbodies' designated uses, and in the 2004 Inventory, this number slipped again, to 53 percent of rivers and streams fully supporting their designated uses—a significant reversal in the trend toward meeting the goals of the Clean Water Act.

According to information from the Environmental Protection Agency, stormwater remains a leading cause of water quality impairment. For example, in the 2004 Water Quality Inventory, discharges of urban stormwater are the leading source of impairment to 22,559 miles (or 9.2 percent) of all impaired rivers and streams, 701,024 acres (or 6.7 percent) of all impaired lakes, and 867 square miles (or 11.3 percent) of all impaired estuaries.

The continuing negative environmental impacts of stormwater are echoed in a National Academy of Sciences 2009 report that expressed concern about the “unprecedented pace” of urbanization in the United States. According to this report, “the creation of impervious surfaces that accompanies urbanization profoundly affects how water moves both above and below ground during and following storm events, the quality of stormwater, and the ultimate condition of nearby rivers, lakes, and estuaries.”

Madam Speaker, this National Academy of Sciences report made several findings on national efforts to understand and manage urban stormwater. A key finding was a lack of available resources to implement and enforce Federal and state stormwater control programs. According to the report, “State and local governments do not have adequate financial support to the stormwater program in a rigorous way.” While the report recommended that the Federal Government provide more financial support to state and local efforts to regulate stormwater, such as through increased funding of existing Clean Water Act authorities, the report also highlights the importance of Federal agencies contributing to the costs of environmental and water quality protections, including the costs of addressing sources of pollution originating or emanating from Federal facilities.

This finding echoes concerns raised by numerous state and local governmental officials over how some Federal agencies have seemingly rejected local efforts to assess service fees to curb stormwater pollution originating or emanating from Federal facilities.

Several states and municipalities, including the District of Columbia, have taken aggressive action to address ongoing sources of stormwater pollution. Yet, when a significant percentage of Federal property owners take the position that they cannot be held responsible for their pollution, it places a greater financial burden on our states, cities, communities, and local ratepayers, and makes it less