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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
December 8, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Lieutenant Christilene Whalen, Chaplain Corps, United States Navy, Patuxent River, Maryland, offered the following prayer:

Almighty and Everlasting God, we are reminded to acknowledge You in all that we do, and then You will direct us and You will guide us.

So God, as we recognize Your power and Your presence in the details of today's activities, discussions, and resolutions, we ask that You empower this body of men and women with wisdom that is grounded in compassion for Your people; enlighten them, O God, with thoughtful insight as they struggle with the effects and the consequences of life-changing decisions; Lord, encourage them with words of honesty, truth, and integrity spoken by collegiate Members of this United States Congress.

We thank You, God, for the diligence of each Representative, and the labor of every staff member and the faithfulness of every professional and participant today. Continue to bless them as they do the work of Your great Nation.

Now, God, shower each one of us with a double portion of Your grace and mercy. Let Your warm and abundant blessings flow in such a way that this 111th session of Congress may experience the sweetness of Your joy.

To God be the glory. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. KAGEN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes; H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

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

S. 3199. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

WELCOMING LIEUTENANT CHRISTILENE WHALEN, CHC, USN

The SPEAKER pro tempore. Without objection, the gentleman from Maryland (Mr. HOYER) is recognized for 1 minute.

There was no objection.

Mr. HOYER. I welcome Christilene Whalen, a member of the United States Navy Chaplain Corps. She led us in prayer today. She serves at the Naval Air Station in Patuxent River in Maryland, where she ministers to sailors, military families, and, I might add, the greater community in which I have the privilege of living.

She is a native of the county in which I live, St. Mary's County. She went to school at Great Mills High School and went to study at Harvard Divinity School. After serving in the ministry for two decades, she joined the Navy as a chaplain 2 years ago. Today, she is proud to serve so closely to the community where she grew up.

We thank her, as Members of the House of Representatives, not only for gracing us today with our opening prayer, but also for her service to her country and to her community. We thank her for the guidance she provides to our men and women in uniform. And we thank her for her words of inspiration to the House today.

Lieutenant, we appreciate your being with us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

OLIVIA CAROLYN SHOEMAKER—NEW TEXAN

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

Printed on recycled paper.

Mr. POE of Texas. Mr. Speaker, every time a child is born, the Good Lord is making a bet on the future of mankind. Olivia Carolyn Shoemaker arrived in Dallas, Texas, Monday night, December 6, at 7 pounds and 19.5 inches.

She was affectionately referred to as Baby Shoe until named by her parents, Anthony and Kellee, Kellee being our youngest of four children. Olivia, although petite, has the legs of a long distance runner, and like her mother, Kellee, she has her mom's happy spirit. Having the intellect of her father, Anthony, I am sure she will be quoting the Constitution soon.

Mr. Speaker, God sends little girls to the world to soften up the rough edges of dads and help remove the hard crusty bark off grandfathers like me. There is absolutely nothing like a little girl.

My hope for Olivia is that she appreciate liberty, love God, and know she was born for a special reason, to make a world of difference in a world that just needs more little girls.

And that's just the way it is.

PASS THE DREAM ACT

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

Mr. GUTIERREZ. When I was a school teacher, I never knew how well my kids were doing until I gave them a test. That's when you find out what you've really learned. We need to have a test right here today in this Chamber. We need to test our tolerance, our fairness, and our sense of justice. We need to vote today on the DREAM Act.

Will we pass that test? Will we get an A or an F? Those who will grade this test are watching. A generation of young people are hoping. Their futures are riding on whether we pass this test. Their families and communities are watching to see how we do on the test. Our Nation wants to see if we are compassionate, if we have the courage do what is right.

This is a pass or fail test. Our kids, our young people, they have all passed. They have worked hard. They planned for a better future, and they love this country. They love America. Today, I urge my colleagues not to fail these kids and to reward their love by the passage of the DREAM Act.

TAX CUTS RESOLUTION

(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, a tax cuts resolution has finally been made to protect all Americans from the largest tax increase in American history. I am happy the President recognizes tax increases kill jobs, as documented by the National Federation of Independent Business, NFIB. This resolution protects South Carolina from losing 9,000 jobs a year and $3,000 per family of disposable income, as highlighted by the Heritage Foundation.

I have two corrections. First, the death tax must be permanently repealed, as this double taxation destroys family-owned businesses. Secondly, I am concerned about extending unemployment benefits without paying for them. I understand that hardworking Americans find themselves needing assistance. A commonsense solution is to pay for an extension of unemployment benefits with unused stimulus funds.

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

Congratulations Lexington County Council for recruiting 1,200 new jobs with Amazon.com to the City of Cayce.

□ 1010

DREAM ACT

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

Mr. QUIGLEY. Mr. Speaker, I rise today in support of the DREAM Act. Further, I rise in support of our Nation's children and young adults, children who, sadly, have borne the brunt of our immigration issues; children who have graduated from high school and want to continue on to college, but cannot receive any help; children who would sign up and fight and die for our country, but are seen as ghosts by their host country.

In August of 1864, President Lincoln wrote: ''It is not merely for today but for all time to come that we should perpetuate for our children's children this great and free government which we have all enjoyed all our lives.''

Nearly 150 years later, we are asked to stand up to the same task to perpetuate this great and free government for all our children. I ask my colleagues to support the children and support the DREAM Act.

CONSTITUTION HOUSE RULE RESOLUTION

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, as founder and chairman of the Congressional Constitution Caucus, I rise this morning to urge support of my resolution to restore the preeminence of the Constitution in lawmaking.

My resolution requires that all House bills appropriately cite an enumerated power in the U.S. Constitution. If a bill did not sufficiently cite that justification, it would be subject to a point of order, and it could not be waived by the Rules Committee.

Some of my colleagues might claim that all legislation is constitutional as long as it provides the general welfare clause reference. But our Founding Father, James Madison, who was the Father of the Constitution, said in Federalist No. 41: ''For what purpose could the enumeration of particulars be inserted, if these and all others were meant to be included in the preceding general power?'' In other words, Mr. Speaker, why does the Constitution list specific powers in article I if every conceivable law is basically fair game?

I urge my colleagues to support this commonsense resolution.

ON RETIREMENT OF BROADCASTING LEGEND DON WEEKS

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

Mr. TONKO. Mr. Speaker, I rise today to mark the retirement of a broadcasting legend in my district, Don Weeks of historic WGY radio in Albany and Schenectady.

Don's career in radio started in 1959 and grew to include work as a Top 40 DJ, a TV weatherman, and work in an advertising agency. It was during the last 30 years, however, as host of WGY's top-rated morning news program that Don cemented his legacy as one of the most congenial and recognizable personalities in the Capital Region.

He entertained listeners each morning with his laugh-out-loud sense of humor; his friendly, inquisitive interviews; and with his unrelenting communication to the community. For 30 years, Don was the voice and the face behind WGY's annual Christmas Wish fund drive, which raised millions for local charities.

Don was awarded the National Association of Broadcasters Marconi Award for Medium Market Personality of the Year and named Best Personality by the New York State Broadcasters Association.

To Don and his wife, Sue, I wish you a happy and healthy retirement. It certainly is well earned, my friends.

DREAM ACT

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

Mr. HINOJOSA. Mr. Speaker, I rise today to strongly urge my colleagues on both sides of the aisle to vote for the American DREAM Act. This legislation provides conditional nonimmigrant status to young individuals of college age who are eager to contribute to our Nation's workforce, economy, and Armed Forces.

I personally want to thank the Coalition for Educational Opportunity at the University of Texas-Pan American and the thousands of students, civil rights groups, and prominent education and business and religious leaders who have fought tirelessly to pass the DREAM Act. In my congressional district I want to recognize Alex Garrido and Dora Martinez, two courageous

UTPA college students, who fasted for 1 week to express their support for the DREAM Act.

I am extremely grateful to Secretary of Education Arnie Duncan, Defense Secretary Robert Gates, former Secretary of State Colin Powell, former Secretary of Commerce Carlos Gutierrez, and many chancellors and many university presidents who are underscoring the urgency of passing the DREAM Act.

Our Armed Forces need courageous servicemen and -women to encourage our Nation's military readiness.

I ask everyone to vote in favor of the DREAM Act.

DREAM ACT

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

Mr. OLVER. Mr. Speaker, this coming spring, tens of thousands of young people will graduate from high school, many of them at the very top of their class, only to discover that they have no hope of pursuing their goals because they were brought here illegally.

The DREAM Act will allow these young people the opportunity to pursue a pathway to citizenship while contributing to our country through higher education or military service, young people like Marissa, an honors student from my district.

Marissa was brought here as a young child from Uruguay and grew up considering herself as American as her classmates. Her English is as good as yours and mine. She excelled in school. Her dream was going to college and becoming a physician, but that dream was crushed when her parents sat her down and told her that her family is in the United States illegally.

America deserves to have the best and brightest young people like Marissa studying in our universities and defending our Nation. And these students deserve the chance to earn citizenship in the country that is the only homeland they know. It is the moral thing to do, and it's the fair thing to do.

I urge my colleagues to support the DREAM Act.

DREAM ACT

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

Mr. GONZALEZ. Mr. Speaker—and of course I hope that we do have a vote on the DREAM Act—but this is really a plea to my colleagues on the other side of the aisle to prove a former official and spokesman for the Bush administration wrong.

Michael Gerson wrote yesterday in The Washington Post: ''Whatever its legislative fate, the DREAM Act is effective at stripping away pretense. Opponents of this law don't want earned citizenship for any illegal immigrant—even those personally guilty of no crime, even those who demonstrate their skills and character. The DREAM Act would be a potent incentive for assimilation. But for some, assimilation clearly is not the goal. They have no intention of sharing the honor of citizenship with anyone called illegal—even those who came as children, have grown up as neighbors and would be willing to give their lives in the Nation's cause.''

I implore and I request fair consideration and that we prove Michael Gerson wrong. My fear is that he may be very, very accurate in what this vote represents.

SENIORS PROTECTION ACT

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Mr. Speaker, today we are going to be voting on H.R. 5987, the Seniors Protection Act.

For the second year in a row, our seniors have not received a cost-of-living increase for Social Security recipients. The Consumer Price Index that is used to calculate the cost-of-living increase does not take into account what our seniors face on a daily basis. We do need to change how the cost-of-living adjustment is calculated and ensure accurately that the rising costs that seniors face are addressed. I hope that we have an opportunity to address that in the next Congress.

Today, however, we do have a vote coming up for that, and I hope everybody will support it. H.R. 5987 will provide a one-time $250 payment to seniors in place of the annual cost-of-living adjustment. This will help our seniors offset the rising costs that they face.

Many of us, myself included, introduced legislation in 2009; and today I am happy that we have come to a conclusion that we need to do this today.

I know that the President had said that Congress should pass this. I am pleased that we are finally taking up this bill today, and I ask all of my colleagues for their support.

DREAM ACT

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

Mr. HIMES. Mr. Speaker, imagine you wake up one morning to discover that the U.S. Government will be sending you under duress to Guatemala or Mexico or the Ukraine. You don't speak the language; you have never visited. These places are as foreign as foreign can be, but you are being deported because of the crime of a parent.

That's inhumane. It's also dumb economics. The CBO tells us that the DREAM Act, if we pass it, will cut the deficit by $1.4 billion.

It's dumb for our security. Secretary of Defense Gates says that passing the DREAM Act would be to the advantage of military readiness and recruiting.

We can do these things. We can fix these things. We can create a more humane, secure, and economically prosperous Nation by passing the DREAM Act today.

HONORING ARMY STAFF SERGEANT WILLIAM D. MCLAURIN

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

Mr. PETERS. Mr. Speaker, I rise today to discuss a truly extraordinary young man from my district. Army Staff Sergeant William McLaurin, known as Staff Sergeant Mac to those who serve with him, is a field artilleryman serving in southern Iraq. His unit is assigned to help protect the civilian State Department provincial reconstruction mission that is helping to rebuild Iraq.

Our former colleague, Mike Flanagan, is serving with the State Department in Iraq and informed me of Staff Sergeant Mac's heroism and sacrifice. Staff Sergeant Mac was wounded twice by a sniper. In the first attack, he was hit in the backside but did not flinch from completing his mission. He returned to duty only 3 weeks later without even so much as a limp.

Several weeks later, while patrolling and escorting Mike on an important mission, he was hit again by the same sniper in the chest and shoulder. While his wounds this time are much more serious, I am happy to report that Staff Sergeant Mac is expected to make a full recovery and is already trying to make it back to his unit in Iraq.

Staff Sergeant Mac is a truly extraordinary young man and one we can all be proud of.

□ 1020

THE DREAM ACT

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

Ms. LEE of California. Mr. Speaker, I rise today on behalf of the more than 800,000 young people looking to make better lives for themselves. I stand with these children and the DREAM Act because it's smart for the future of our country. But it's the right thing to do for these young people.

The DREAM Act does not reward illegality. It provides the opportunity to achieve the American dream for a select group of students who deserve to realize this dream. Shall we further punish these 800,000 young people through deportation or by keeping them in legal limbo, or should we allow these highly motivated youth to attend colleges and become productive members of our society? The answer really should be quite obvious.

I support the DREAM Act because it is in, of course, our national interest, but it reflects the best of our American values and it is long overdue. I urge a ''yes'' vote.

THE DREAM ACT IS A MORAL ISSUE

(Mrs. NAPOLITANO asked and was given permission to address the House for 1 minute.)

Mrs. NAPOLITANO. Mr. Speaker, in the 38th Congressional District of California, we have had many exceptional, bright students struggling because of their status.

Sam, a political science degree graduate, came to the United States at the age of 2.

Abe, a psychology major who would like to become a university professor.

Nate, another psychology major, aspires to be a psychologist. We need male psychologists.

John, a chemical engineering major whose mother recently became a citizen, got killed at a bus stop while waiting for the I–130 to have him become a citizen.

Robert, a civil engineering major, lives 34 miles away from college and travels at least 7 hours to and from school so he can get educated.

This is just a microcosm of the 800,000 youngsters who were brought to the United States as infants. It is a necessity for us to be able to ensure that these young people who have been trained and educated in the U.S. remain and become our own leaders of tomorrow.

DREAM Act is a moral issue. It is the right thing to do. We must pass the DREAM Act.

THE DREAM ACT

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

Ms. CLARKE. Mr. Speaker, I rise today in full support of the DREAM Act.

The immigrant children and young adults that are affected by our broken immigration laws are as diverse as this country. My district, the 11th Congressional district of New York, is home to a significant and diverse immigrant population. According to the Census Bureau, 47 percent of the immigrant population that settled in my district between 1980 and 2008 has yet to obtain naturalized citizenship. Many of those individuals are documented legal residents and some are not.

With such a large population, my office has been inundated with instances of young people who are either facing the threat of deportation to a country they have never known or had no choice in leaving, or they are forced into an immigration purgatory whereby the opportunities to obtain higher education and gainful employment are curtailed by the immigrant status. Many of these young people have considered themselves Americans, having never truly known their land of birth.

We cannot delay passing the DREAM Act any longer. We cannot continue to punish a community of young people that came to this country at no fault of their own. Many communities across this Nation have nurtured these young people.

I support the DREAM Act, and urge my colleagues to do the same.

THE DREAM ACT

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

Mr. PAYNE. Mr. Speaker, the DREAM Act would not only benefit undocumented students, but it would benefit the country as well. It is estimated that about 65,000 undocumented students graduate from high school after living in the United States for at least 5 years. Unfortunately, because of current law, only five to 10 percent of these students attend college. The remaining 90 to 95 percent remain unable to find employment appropriate to their level of academic potential, and become victims of the criminal justice and social welfare system.

Earlier this year, my home State of New Jersey passed a State version of this law recognizing that these students deserve to be rewarded for their hard work and allowed opportunity just as their peers. Furthermore, acknowledging the fact that more than 40 percent of the State's scientists and engineers with advanced degrees were foreign born in 2006, the economic benefit was taken into account. It was understood that, beyond this measure being morally just, it is an economic measure as well.

I ask that we support the DREAM Act.

THE DREAM ACT

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

Mr. ORTIZ. Mr. Speaker, I rise to offer my unconditional and complete support for the American DREAM Act.

This bill is intended to address the situation faced by such young people among us who were brought to the United States years ago as undocumented immigrant children. In fact, some of these children didn't even know that they were born in a foreign country.

These children have grown up and stayed here, stayed in school. They kept out of trouble. They dream of becoming a full-fledged American, but are prevented from doing so because they lack the legal status. The American DREAM Act would provide an avenue for these young people to acquire legal status, pursue a college degree or join the military, and give back to the communities and to the country that they consider home.

I've worked with these students. I represent a border State. These children are intelligent. They're smart and, not only that, they love this country.

As a veteran and as a member of the House Armed Services Committee, I recognize the benefits that the DREAM Act can bring to this Nation. And I would ask my colleagues to support this bill. This is a good bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

SENIORS PROTECTION ACT OF 2010

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5987) to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time $250 payment in the event that no cost-of-living adjustment is payable in 2011, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5987

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 ''Seniors Protection Act of 2010''.

SEC. 2. PAYMENT IN LIEU OF A COST-OF-LIVING ADJUSTMENT TO RECIPIENTS OF SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, RAILROAD RETIREMENT BENEFITS, AND VETERANS DISABILITY COMPENSATION OR PENSION BENEFITS.

(a) AUTHORITY TO MAKE PAYMENTS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Subject to paragraph (5)(B), the Secretary of the Treasury shall disburse a $250 payment to each individual who, for any month during the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act, is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B) or is eligible for a SSI cash benefit described in subparagraph (C). In the case of an individual who is eligible for a payment under this subparagraph by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b)) under—

(I) section 202(a) of such Act (42 U.S.C. 402(a));

(II) section 202(b) of such Act (42 U.S.C. 402(b));

(III) section 202(c) of such Act (42 U.S.C. 402(c));

(IV) section 202(d)(1)(B)(ii) of such Act (42 U.S.C. 402(d)(1)(B)(ii));

(V) section 202(e) of such Act (42 U.S.C. 402(e));

(VI) section 202(f) of such Act (42 U.S.C. 402(f));

(VII) section 202(g) of such Act (42 U.S.C. 402(g));

(VIII) section 202(h) of such Act (42 U.S.C. 402(h));

(IX) section 223(a) of such Act (42 U.S.C. 423(a));

(X) section 227 of such Act (42 U.S.C. 427); or

(XI) section 228 of such Act (42 U.S.C. 428).

(ii) RAILROAD RETIREMENT BENEFIT.—A benefit payment described in this clause is a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

(I) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1));

(II) section 2(c) of such Act (45 U.S.C. 231a(c));

(III) section 2(d)(1)(i) of such Act (45 U.S.C. 231a(d)(1)(i));

(IV) section 2(d)(1)(ii) of such Act (45 U.S.C. 231a(d)(1)(ii));

(V) section 2(d)(1)(iii)(C) of such Act to an adult disabled child (45 U.S.C. 231a(d)(1)(iii)(C));

(VI) section 2(d)(1)(iv) of such Act (45 U.S.C. 231a(d)(1)(iv));

(VII) section 2(d)(1)(v) of such Act (45 U.S.C. 231a(d)(1)(v)); or

(VIII) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in clause (i) of this subparagraph.

(iii) VETERANS BENEFIT.—A benefit payment described in this clause is a compensation or pension payment payable under—

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code;

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code;

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code; or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code, who received that benefit during any month within the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(C) SSI CASH BENEFIT DESCRIBED.—A SSI cash benefit described in this subparagraph is a cash benefit payable under section 1611 (other than under subsection (e)(1)(B) of such section) or 1619(a) of the Social Security Act (42 U.S.C. 1382, 1382h).

(2) REQUIREMENT.—A payment shall be made under paragraph (1) only to individuals who reside in 1 of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, or the Northern Mariana Islands, or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address. For purposes of the preceding sentence, the determination of the individual's residence shall be based on the address of record, as of the date of certification under subsection (b) for a payment under this section.

(3) NO DOUBLE PAYMENTS.—An individual shall be paid only 1 payment under this section, regardless of whether the individual is entitled to, or eligible for, more than 1 benefit or cash payment described in paragraph (1).

(4) LIMITATION.—A payment under this section shall not be made (or, in the case of subparagraph (D), shall not be due)—

(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

(i) for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), or

(ii) for the month (as determined by the Commissioner of Social Security) in which such individual would, but for this paragraph, have been certified under subsection (b) to receive a payment under this section, such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);

(B) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(iii) if, for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), such individual's benefit under such paragraph was not payable, or was reduced, by reason of section 1505, 5313, or 5313B of title 38, United States Code;

(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

(i) for such most recent month of such individual's eligibility in the 3-month period described in paragraph (1), or

(ii) for the month (as determined by the Commissioner of Social Security) in which such individual would, but for this paragraph, have been certified under subsection (b) to receive a payment under this section, such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or

(D) in the case of any individual whose date of death occurs—

(i) before the date of negotiation of a check payment to an individual certified under subsection (b) to receive a payment under this section; or

(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual's account.

In the case of any individual whose date of death occurs before a payment under this section is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person. In no case shall payment be made to, or on behalf of, an individual who is not alive at the time of issuance or reissuance.

(5) TIMING AND MANNER OF PAYMENTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall commence disbursing payments under this section at the earliest practicable date in 2011 prior to June 1, 2011. The Secretary of the Treasury may disburse any payment electronically to an individual in such manner as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) DEADLINE.—No payments shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payments made after such date.

(b) IDENTIFICATION OF RECIPIENTS.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall certify the individuals entitled to receive payments under this section and provide the Secretary of the Treasury with the information needed to disburse such payments. A certification of an individual shall be unaffected by any subsequent determination or redetermination of the individual's entitlement to, or eligibility for, a benefit specified in subparagraph (B) or (C) of subsection (a)(1) (except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (D) of subsection (a)(4) during a period described in such subparagraph), and no individual shall be certified to receive a payment under this section if such individual has at any time been denied certification for such a payment by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial).

(c) TREATMENT OF PAYMENTS.—

(1) PAYMENT TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(2) PAYMENT NOT CONSIDERED INCOME FOR PURPOSES OF TAXATION.—A payment under subsection (a) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

(3) PAYMENTS PROTECTED FROM ASSIGNMENT.—The provisions of sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407, 1383(d)(1)), section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)), and section 5301 of title 38, United States Code, shall apply to any payment made under subsection (a) as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of subsection (a)(1).

(4) PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.—Notwithstanding paragraph (3)—

(A) any payment made under this section shall, in the case of a payment of a direct deposit, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

(B) any payment made under this section shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset to collect delinquent debts.

(d) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

(1) IN GENERAL.—In any case in which an individual who is entitled to a payment under subsection (a) and whose benefit payment or cash benefit described in paragraph (1) of that subsection is paid to a representative payee or fiduciary, the payment under subsection (a) shall be made to the individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(2) APPLICABILITY.—

(A) PAYMENT ON THE BASIS OF A TITLE II OR SSI BENEFIT.—Section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(i) or (1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.—Section 13 of the Railroad Retirement Act (45 U.S.C. 231*l*) shall apply to any payment made on the basis of

an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) PAYMENT ON THE BASIS OF A VETERANS BENEFIT.—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) APPROPRIATIONS.—

(1) CARRYOVER OF EARLIER APPROPRIATION.—Any sums appropriated under section 2201(e) of the American Recovery and Reinvestment Act of 2009 for the Secretary of the Treasury, the Commissioner of Social Security, the Railroad Retirement Board, or the Secretary of Veterans Affairs and which have not been expended as of the date of the enactment of this Act shall also be available for the Secretary of the Treasury, the Commissioner of Social Security, the Railroad Retirement Board, or the Secretary of Veterans Affairs, respectively, for the period of fiscal years 2010 through 2012, and shall remain available until expended, to carry out this section.

(2) ADDITIONAL APPROPRIATION.—Out of any sums in the Treasury of the United States not otherwise appropriated, the following sums are appropriated, in addition to sums referred to in paragraph (1), for the period of fiscal years 2010 through 2012, to remain available until expended, to carry out this section:

(A) For the Secretary of the Treasury, $7,000,000 for administrative costs incurred in carrying out this section.

(B) For the Commissioner of Social Security—

(i) such sums as may be necessary for payments to individuals certified by the Commissioner of Social Security as entitled to receive a payment under this section; and

(ii) $52,000,000 for the Social Security Administration's Limitation on Administrative Expenses for costs incurred in carrying out this section.

(C) For the Railroad Retirement Board—

(i) such sums as may be necessary for payments to individuals certified by the Railroad Retirement Board as entitled to receive a payment under this section; and

(ii) $670,000 for the Railroad Retirement Board's Limitation on Administration for administrative costs incurred in carrying out this section.

(D)(i) For the Secretary of Veterans Affairs—

(I) such sums as may be necessary for the Compensation and Pensions account, for payments to individuals certified by the Secretary of Veterans Affairs as entitled to receive a payment under this section; and

(II) $981,000 for the Information Systems Technology account and $447,000 for the General Operating Expenses account, for administrative costs incurred in carrying out this section.

(ii) The Department of Veterans Affairs Compensation and Pensions account shall hereinafter be available for payments authorized under subsection (a)(1)(A) to individuals entitled to a benefit payment described in subsection (a)(1)(B)(iii).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

□ 1030

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5987, the bill now under consideration.

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

There was no objection.

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

In October, the Social Security Commissioner announced there would be no cost-of-living adjustment—or COLA—for Social Security benefits in 2011. This is the result of economic conditions. It is not due to action or inaction on the part of Congress. Congress enacted legislation in 1975 to provide for an automatic cost-of-living adjustment so seniors would not face year after year of rising prices for daily expenses with no increase in benefits. Unfortunately, due to the formula, next month will mark the first time since 1975 when the automatic COLA will not increase for the second year in a row. Because the recovering economy is slowly turning around, prices tracked by those bureaucrats measuring these items find that it has not reached the peak of inflation in 2008 caused by the spike of energy prices. So it is an anomaly within the formula providing no cost-of-living adjustment.

Any of us visiting with our senior citizens across this great land understand something quite different has occurred within the life of our seniors: they are experiencing higher prices. In fact, this is causing a hardship for so many, given the fact that Social Security benefit levels are really very modest. They are $14,000 for the average retiree. It is $13,000 on average in North Dakota. We estimate that some more than 30 million Americans get most of their income from Social Security, and many millions of Americans get all of their income from Social Security.

So, basically, they have their benefit levels flatlined at a time when they are encountering higher costs, reducing their quality of life experience, and disappointing them greatly about Social Security.

The bill before us would provide 54 million Americans with a $250 payment in lieu of COLA. Now, for those at the very bottom, this means a lot—about a $20 a month cost-of-living adjustment to help them with those higher costs.

I want us to think for just a moment, Mr. Speaker, about this very modest $250 payment, $20 a month, in contrast to some of the relief measures being tossed around as negotiations proceed to conclude this session. We heard about a deal the White House has been discussing with the Senate that would provide, for example, an estate tax provision representing a windfall to the wealthiest few families in this country. At a time when Congress is considering measures that would provide vast amounts of relief to the wealthiest who need it the least, you would think that we might be able to measure support for $250 to seniors living on Social Security checks unable to meet their expenses in light of higher costs but no COLA.

The bill before us should pass under any sense of fairness, particularly at this time of the holidays. The bill is supported by AARP, the Alliance for Retired Americans, the National Committee to Preserve Social Security and Medicare, the Strengthen Social Security Campaign, the Disabled American Veterans, and the Wider Opportunities for Women organizations.

Mr. Speaker, I encourage my colleagues to support H.R. 5897, the Seniors Protection Act of 2010.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, you know, I hate references to what we are doing today to this. Bipartisan congressional efforts established the cost-of-living adjustment or COLA formula beginning in 1975 to make sure that Social Security benefits retain their purchasing power for our Nation's seniors. The COLA formula is designed to achieve a simple goal. Increases in consumer prices trigger an increase in Social Security benefits.

In 2009, seniors received the largest COLA since 1982, 5.8 percent, because of a temporary spike in energy prices. Since then, energy prices fell, and even though the inflation rate used to determine the COLA was negative between 2008 and 2009, benefits were not reduced in 2010. Instead, they remained constant. That is because the law prevents benefits from being reduced when prices decline, and that helps seniors in these tough economic times.

Since prices have remained short of the peak they reached back in 2008, the Social Security Administration announced there will not be a COLA in 2011 either. Though seniors are understandably disappointed, the COLA formula is working as intended. The good news is that most seniors do not face an increase in their Medicare part B premium when there is no COLA due to hold harmless protections in current law. Also, last year seniors received a $250 economic recovery payment through the stimulus. While many seniors are hurting, so too are American working families.

Doing an end-run around a current bipartisan COLA formula without even one hearing to examine whether it is working or the many options for change our colleagues have offered is wrong. Sending out $250 checks to people like Ross Perot or Warren Buffett, or to the Members of this House who may be eligible for them, as this bill does, is wrong. Sending $250 checks to prisoners or dead people, as Social Security has done in the past, is wrong.

Increasing our Nation's crushing deficit on the backs of our children by an additional $14 billion is wrong. Unfortunately, our side is unable to right

these wrongs as we are prohibited from offering any amendments to this bill. I urge my colleagues to vote ''no.''

I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. HIGGINS).

Mr. HIGGINS. I thank my colleague for the time and for his leadership on this issue.

Mr. Speaker, I rise in strong support of the Seniors Protection Act. Since 1975, seniors have depended on a cost-of-living adjustment to meet their rising expenses. Through an automatic formula, they have received a cost-of-living adjustment every year, without fail, until last year.

Now, for a second year in a row, at a time when seniors have seen their savings and home values drop and prices for their prescriptions and other bills rise, they will also see their benefits frozen yet again. I believe we must examine the COLA formula to ensure that it meets the needs of seniors; but, in the meantime, we must provide an increase to their benefits today so they can pay their expenses.

I strongly support this legislation, which will provide a one-time payment of $250 to Social Security recipients in the upcoming year. I urge my colleagues to support this legislation.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, at this time I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you for yielding, Mr. POMEROY, and for your great leadership on this issue as well.

Mr. Speaker, what I hear time and again from Iowa seniors is that their expenses are rising. They pay too much for prescriptions and other health-related costs, transportation, and heating for their homes. To make matters worse, seniors' other retirement income has lost value in this recession.

Despite this fact, as was mentioned, there will be no COLA again for our seniors and veterans in 2011. This is simply unfair. No senior should retire into poverty after a lifetime of hard work. That is why I strongly support the Seniors Protection Act, which will provide our seniors with $250 to help defray the cost increases they are experiencing that aren't recognized by the COLA formula. I am an original cosponsor of this bill, and I have strongly advocated for its passage. I plan to vote for it today because I believe it is the right thing to do for our seniors.

Mr. SAM JOHNSON of Texas. I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CASTOR).

□ 1040

Ms. CASTOR of Florida. I rise in strong support of the Seniors Protection Act, and I thank my colleague, Mr. POMEROY from North Dakota, for his tremendous leadership.

Mr. Speaker, my older neighbors throughout the Tampa Bay Area in Florida have shared with me that, since the recession hit in 2007, they have really struggled with property value declines, with swings in the values of their retirement savings, and with the rising cost of Medicare. So it was particularly troubling that the Social Security Administration announced that, for the second year in a row, there would be no cost-of-living increase. They just couldn't believe it. It appears that the COLA is not adequately taking account of the economic situation that our older neighbors are facing today.

So I urge my colleagues to vote in favor of the Seniors Protection Act. Let's keep the fundamental promise of Social Security, which is: no matter what happens in a person's life, our older neighbors will continue to live in dignity.

Mr. SAM JOHNSON of Texas. I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Thank you for yielding.

Mr. Speaker, I rise this morning to join my colleagues in support of this necessary action.

What is it that our colleagues on the other side of the aisle don't like about senior citizens? What is it that you do not understand about people being in need?

It is $250 that is needed now to help our people, our constituents. For me, it is for my patients so they can get their necessary prescription drugs. People need help now, not next year.

I endorse this bill very strongly.

Mr. SAM JOHNSON of Texas. I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. I want to thank Mr. POMEROY for his leadership on this issue.

Mr. Speaker, here is the reality today of rising prices for America's seniors and retired veterans.

From October 2009 to October 2010, the following commodities, which consume the lion's share of a senior's household budget, saw significant increases: home heating fuel went up 13 percent, gas prices 3.8 percent, prescription drug prices 3.9 percent, medical care 3.6 percent.

Despite these relentless increases, the Labor Department's CPI formula spit out a 0 percent COLA because the cost of items which the formula counts, like flat screen TVs, personal computers, and recreation activities, went down. For seniors and veterans who are dependent on Social Security and VA pensions, the latest flat screen televisions and personal computers are not high on their shopping lists.

Congress needs to intervene for the benefit of seniors and retired veterans by passing this measure, which will provide emergency help with the real-world budgets of elderly Americans.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are getting calls from our constituents telling us that they don't want the COLA to continue just giving money away. What they are interested in are tax decreases. I would say that this is ill-advised at this time, and we should not just throw more money at a problem that we can solve and have solved already, so I urge my colleagues to oppose this legislation.

I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WEINER).

The SPEAKER pro tempore. The gentleman is recognized for 11½ minutes.

Mr. WEINER. Thank you very much. I appreciate the sponsor of the legislation.

Mr. Speaker, what it comes down to is that it is not as my good friend characterized it: throwing money away or giving money away. This is whether you consider people who have helped build this country to what it is, who have paid into the Social Security Trust Fund, and who very often rely entirely on Social Security for their support. These are people who, frankly, on average, are making in the magnitude of $16,000, $17,000, $20,000 for the entire year.

The Social Security COLA was passed in the 1970s with a very logical rationale, which was to allow seniors to keep up with the high cost of living. The mistake that we continually make—and perhaps it's because the law is written incorrectly or perhaps it's a misinterpretation—is that we assume for a moment that, when inflation is at a very low level like it is today, it means costs haven't risen for seniors; but if you look at the things that seniors are actually buying and if you look at the things that they need in order to survive—housing, health care, their very basics for food—all of these things are actually experiencing rising costs.

You know, it is somewhat ironic that, when I hear my good friends on the other side talk about the need for austerity, it always seems to be that it is the people who are in the middle class and struggling to make it who are the ones who are supposed to take the hit. Social Security beneficiaries are the broad cross section of this country, and we have made a contract with them.

I have to tell you that I know the new Republican Congress was elected on a platform of eviscerating Social Security as we know it. That is not a rhetorical talking point. If you look at the book quite literally, the book written by the person who is going to be the chairman of the Budget Committee on the Republican side, he suggests turning large portions of the Social Security Trust Fund to the stock market.

Yes, that is their belief. That is what they think the lesson is that was learned.

So there really is a question here about who we are fighting for. Mr. POMEROY and the people who are going to vote ''yes'' on this bill say we want to fight for senior citizens who are struggling to make it each and every day. They are the ones who believe that Social Security isn't some kind of bizarre Socialist plot but is a way that we have created a safety net. That's all it is.

Nobody, I say to my colleagues, collects their Social Security checks and says, ''Woo-hoo, I'm rich.'' They collect them and say, ''Oh, what a relief. I can get through to the next month. I can continue with the standard of living that I have without its being chipped away.''

Well, now, after 2 consecutive years, we will see the Social Security cost-of-living increase, which is going to inch up to keep track of costs that they have elsewhere in life, be restored. We are doing the best we can. I believe, frankly, the COLA law needs to be rewritten. I believe it did not contemplate the type of scenario we have today in which overall inflation rates are going down and the costs for seniors are staying high.

As other speakers have pointed out, there are two fundamental mistakes that get made when the Social Security Trust Fund is calculated:

One, the basket of things that a senior actually buys is entirely different from what a teenager buys or from what a businessperson buys. They have very discrete costs, and those costs are going up.

It is also important to know that there are sometimes regional differences. In the part of the country that Mr. POMEROY comes from, energy costs are sometimes exceedingly high because of cold winters. In the parts of the country that I represent and that Congressman PASCRELL represents, the cost of housing is extraordinarily high. It is definitely going up more than 0 percent a year.

I would also remind my Republican colleagues of one other thing. A lot of them did not like the Social Security program from the word ''go.'' They didn't like it even then. There is a schizophrenia inherent in the Republican position about Social Security. They really nailed, or actually got it in their bones, that having a safety net program for senior citizens was really something government should not be doing. They didn't like it. Go take a look at the debate back in 1933 when it began. Yet, from 1935, which is when the checks started coming, until today, one thing has been consistently true: month after month, year after year, this program has worked exactly how it was designed. It was designed to allow one generation to help provide a safety net for the next—year after year, generation after generation.

I want to say one other thing.

This whole idea that the apocalypse is arriving and Social Security is coming undone at the seams is wildly, wildly overblown. Today, the Social Security program will add to the deficit exactly zero dollars and zero cents. That's more than I can say about the tax cuts for billionaires, which is going to add $700 billion to the deficit over 10 years.

So what we are saying is that we Democrats, we who will vote ''yes'' on this bill, are standing up and fighting for senior citizens. We are standing up and fighting for every Social Security beneficiary, even the ones who are Republicans and Independents from all parts of the country, because we fundamentally believe the program works. If you believe that the Social Security program is a good and virtuous program, this is your chance to show it, by voting ''yes,'' because this is a chance to improve it.

□ 1050

If you believe that the Social Security program is some kind of hoax or a fraud or you believe what many of my Republican friends believe, that it should be privatized, dismantled, eliminated, tossed in the trash can, then you should probably vote ''no'' on this because this bill only strengthens Social Security.

Now let me make one final remark—and I thank very much Mr. POMEROY for being the sponsor of this legislation. He has never lost sight of the fact that the senior citizens that we help with Social Security are exactly the ones who helped put us in a position to build this country to what it is today.

Let me make one final point. You know, in all of the political back and forth that very often happens during campaign season, I think that we really did just see a campaign where one side operated almost entirely from a position of what they were against—they're against strengthening Social Security, they're against health care reform, they're against financial reform, they're against a reduction of taxes on the middle class.

We know precious little about what the new incoming Republican Congress is in favor of. This is an interesting test, where they are on Social Security. The chairman of their incoming Budget Committee believes in privatizing it. Many of their candidates kind of hemmed and hawed when asked. This is it, this is a good early test. And I would want to remind the American people that if you believe Social Security is one of those programs you really think should be protected and strengthened, this is the team that's fighting for you, the one that's offering this piece of legislation.

I urge my colleagues to vote ''yes,'' and I urge my Republican colleagues to finally realize that supporting senior citizens and Social Security is a virtuous and good thing to do, even from their perspective.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the Seniors Protection Act. This bill will provide a $250 one-time payment to over 250,000 Rhode Islanders who will see no cost of living adjustment in their Social Security payment for a second consecutive year.

The slow economic recovery has been particularly hard on Rhode Island seniors, veterans and individuals with disabilities. Social Security pays $14,000 a year for the average retiree, a modest but crucial benefit that provides over half of all income for the majority of our elderly. People with disabilities and veterans with service-connected injuries also rely on this assistance to meet their day to day needs because they are not able to work, though it is not for lack of trying. Since this assistance will be used to make mortgage payments, pay rent, buy food or access medical care, it will be injected right back into the economy providing additional economic stimulus to our communities.

While Congress is considering extending tax breaks for millionaires and billionaires who don't really need them, I ask them to strongly consider extending a break to those that do. This $250 payment will help seniors, veterans, railroad retirees and people with disabilities who receive Social Security make ends meet during this difficult time, when housing values are down, other retirement income is volatile, and many are facing rising costs.

I urge my colleagues to vote for the Seniors Protection Act, and support its immediate passage.

Mr. BLUMENAUER. Mr. Speaker, H.R. 5897 was not the way to help Social Security beneficiaries deal with the financial difficulties facing so many.

There is no doubt that millions of Americans have been hurt by this recession. I am sympathetic to those who are struggling and this bill wasn't the way to address the problem. A political gesture that would never become law is not fair to anyone.

Sending a $250 check to seniors, the disabled, and other beneficiaries of Social Security, irrespective of their needs or their income, sends the wrong message to people who are concerned about federal spending.

As part of our assessment of Social Security, we need to assure the cost of living adjustments are determined in a way that reflects the costs that seniors and others are bearing today and in the future. It also needs to be done in a fiscally responsible way that does not add to the federal deficit or threaten the future strength of the Social Security trust fund.

H.R. 5987 failed these counts and I will vote ''no.''

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 5987, the Seniors Protection Act. When the Social Security Administration announced there would not be an automatic cost-of-living-adjustment (COLA) for the second consecutive year, I urged the House leadership to bring H.R. 5987 to the floor. The bill provides a onetime payment of $250 which equals roughly a 1.8 percent increase in retirement benefits to seniors, veterans, persons with disabilities and railroad retirees.

Social Security has been a reliable source of income for 58 million Americans living on fixed incomes. Today, six in ten seniors rely on Social Security for more than half of their income; about a third of retirees have little other than Social Security to live on. In the 12th Congressional District of Illinois I am privileged to represent, 125,810 people receive Social Security and 19,365 receive Supplemental Security Income (SSI) benefits.

While there was no inflation from the third quarter of 2008 to the third quarter of 2010, health care and prescription drug costs continue to significantly outpace inflation; yet seniors have not received a COLA adjustment to make up for these burdens. Swiftly enacting H.R. 5987 is necessary to ensure my constituents and Americans across the country are able to make ends meet.

Not only is this payment critical to beneficiaries during this economic discovery, the Economic Policy Institute 2010 report concluded the $250 Social Security and SSI payment provided through the American Recovery and Reinvestment Act increased GDP by roughly 0.5 percent in the second quarter of 2009, which translates to approximately 125,000 jobs created or saved because of these payments.

Mr. Speaker, for 75 years, Social Security has served our seniors well. They have worked hard and earned their retirement benefits. Congress must act quickly to enact H.R. 5987 to demonstrate our steadfast support for our seniors. I strongly urge my colleagues to support the bill.

Mr. PASCRELL. Mr. Speaker, the issue we come here to address today is not a Democratic or a Republican problem, but one facing each and every one of our nation's seniors in the Social Security program. Despite any political rhetoric, the lack of a Cost-of-Living Adjustment this year was not a result of Congressional action, but a result of a formula in place since the 1970s. I have long supported a change to this formula to take into account the rising costs for seniors, but in the interim, I am here as a cosponsor of this important legislation.

Right now, in my district, seniors are struggling with their gas and electric bills. This 250 dollar payment could help seniors not only with these rising costs, but also with their food, rent, medications, and more. So many of our seniors rely heavily on their Social Security checks and as costs continue to rise each year, their Social Security checks are not going as far as they used to. Today, in offering this small adjustment, we can give our seniors that extra cushion they need to meet the unexpected costs of 2011. In this time of great uncertainty and economic hardship, how can we possibly deny our seniors the extra support they need?

I rise today and ask that my colleagues support this measure for our seniors, who have given so much to our country and who deserve this much-needed relief.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 5987, the Seniors Protection Act. When the Social Security Administration announced there would not be an automatic cost-of-living-adjustment, COLA, for the second consecutive year, I urged the House leadership to bring H.R. 5987 to the floor. The bill provides a onetime payment of $250 which equals roughly a 1.8 percent increase in retirement benefits to seniors, veterans, persons with disabilities and railroad retirees.

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Not only is this payment critical to beneficiaries during this economic recovery, the Economic Policy Institute 2010 report concluded the $250 Social Security and SSI payment provided through the American Recovery and Reinvestment Act increased GDP by roughly 0.5 percent in the second quarter of 2009, which translates to approximately 125,000 jobs created or saved because of these payments.

Mr. Speaker, for 75 years, Social Security has served our seniors well. They have worked hard and earned their retirement benefits. Congress must act quickly to enact H.R. 5987 to demonstrate our steadfast support for our seniors. I strongly urge my colleagues to support the bill.

Ms. MATSUI. Mr. Speaker, I rise today in strong support of H.R. 5987, the Seniors Protection Act of 2010.

Social Security is a pillar of our society based on the premise that if you work hard and play by the rules you will in turn receive the stability and security of a minimum level of guaranteed income as you get older. While sometimes it gets pushed aside as nothing more than an entitlement program, the reality is that Social Security provides all of the retirement income for six out of ten seniors in this country.

Mr. Speaker, for 75 years, Social Security has never been a day late or a dollar short. But this year the Social Security Administration has recommended that there be no Cost of Living Adjustment—or COLA—for the second year in a row. That means that the very seniors who are struggling to make ends meet will receive a significant amount less than they were expecting for 2011.

While the lack of COLA is not a result of Congressional or Presidential action, today we have the chance to vote to make things right. The Seniors Protection Act of 2010 would simply provide a $250 check to Social Security recipients in lieu of a Cost of Living Adjustment for 2011.

For some, a few hundred dollars may not seem like a large amount of money. But for the millions of American seniors who are making hard choices, choosing between filling their prescriptions, paying their rent, or feeding their families, a modest increase in their Social Security income could make all of the difference in the world.

Furthermore, ensuring America's seniors can make ends meet would have a broader, positive, effect on the economy as a whole. A recent study by the Economic Policy Institute shows that similar payments to Social Security recipients have proven to be an effective economic stimulus.

Mr. Speaker, we must commit ourselves to continuing to provide the foundation for Americans' retirement security. I urge my colleagues to vote in favor of H.R. 5987.

Ms. HIRONO. Mr. Speaker, I rise today in support of the Seniors Protection Act. I am an original cosponsor of this crucial legislation to provide Social Security recipients with a one-time $250 payment in 2011 to help seniors make ends meet. This bill is in response to the Social Security Administration's October announcement that there will be no automatic Cost-Of-Living-Adjustment next year for Social Security recipients because the trigger did not come into play because of the recession.

More than 160,000 seniors in Hawaii receive Social Security benefits. Over 1,000 of them took the time to write, e-mail, or call me to share their need for a COLA this year. In Hawaii and nationwide, seniors have seen their cost of living go up, whether in medical costs, uncovered prescription drug costs, or utility bills. Meanwhile, the recession that began under President George W. Bush has hit seniors' savings in pensions, IRAs, and 401(k)s especially hard. The Seniors Protection Act will provide our seniors with a modest financial boost to help get by.

Nationwide, three out of every five seniors rely on Social Security for more than half of their income. The average retiree receives $14,000 in Social Security benefits. This bill's $250 payment will help seniors, veterans, railroad retirees and people with disabilities who receive Social Security.

In 1975, a majority Democratic Congress passed a law to automatically provide a cost-of-living increase for Social Security each year, using a formula based on inflation within the overall economy. For the first time in 30 years, as a result of the Bush Recession, the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) was not high enough to trigger an automatic increase for 2010. Although our economy continues to recover, the formula will once again not provide an increase in 2011.

I support efforts to improve the Social Security COLA formula using the Consumer Price Index for Elderly Workers (CPI–E). In the meantime, the Seniors Protection Act before us today will provide a one-time payment of $250 in lieu of the 2011 increase.

The Seniors Protection Act currently has 158 Democratic cosponsors, but not one SINGLE Republican cosponsor. Instead, in recent months, leading House Republicans have called again for President George W. Bush's plan to privatize Social Security and leave seniors' hard-earned benefits up to the whims of the stock market.

I recently celebrated Social Security's 75th Birthday at an event at the Kapolei Branch of the Social Security Administration. As I said there and have said many times before, I will continue to fight to preserve Social Security benefits so seniors can help make ends meet.

Mr. CONYERS. Mr. Speaker, I rise today as a strong supporter of "The Seniors Protection Act." As we enter the second consecutive year without a cost-of-living adjustment for Social Security retirees and other beneficiaries, this legislation would have helped to provide 54 million Social Security recipients with a one-time payment of $250 to help them make ends meet during this tough time. America has a moral and civic duty to always support our Nation's seniors, veterans, and the disabled, they may live a productive and secure life.

The Seniors Protection Act is an investment in the economic stability of our seniors, veterans, people with idisabilities, and all who depend on Social Security to make ends meet. The bill also offers support to the millions of seniors who are struggling trying to pay their bills, mortgages, and other daily expenses.

The Seniors Protection Act is critical to our seniors, and is fiscally responsible. Unfortunately, Congressional Republicans oppose the bill, something that is truly regrettable and a moral outrage.

While Democrats maintain a strong record protecting, upholding, and strengthening Social Security, Republicans continue to advocate risky schemes to privatize it and cut benefits. America's seniors deserve better.

I commend all of my colleagues who support this bill, and I thank Social Security Subcommittee Chairman EARL POMEROY for his outstanding leadership on this issue. Democrats will always stand with our Nation's seniors, because it is the humane, just, and right thing to do.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 5987, the Seniors Protection Act of 2010.

Earlier this year, the Social Security Administration announced that for the second year in a row, Social Security beneficiaries would not be receiving a Cost of Living Adjustment (COLA) increase for the second year in a row. This legislation provides seniors with an additional $250 payment, equivalent to about a 2% COLA, to Social Security beneficiaries next year.

A COLA increase is imperative for seniors who rely on their benefits to support themselves and their families. According to the Economic Policy Institute, 3.5 million seniors are below the poverty level. The Department of Labor estimates that almost half of the 2 million workers over the age of 55 have been unemployed for six months or longer. Yet as more seniors experience poverty as a result of the economic downturn, the calls for privatizing and cutting Social Security in the name of fiscal responsibility have grown louder. Privatizing Social Security will hurt the most vulnerable Americans such as women, minority communities and children—those Americans that are currently experiencing disproportionately the effects of the recession. The Congressional Budget Office estimates that the program is fiscally sound for another 40 plus years.

It is our responsibility to guarantee seniors an adequate income after a lifetime of paying into Social Security. We must shift the focus from cutting vital programs such as Social Security to reviving our domestic manufacturing sector as a means to put Americans back to work.

I urge my colleagues to support this legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5987, "Supporting the Seniors Protection Act of 2010." Let me begin by thanking my colleague Representative EARL POMEROY for introducing this very important legislation into the House of Representatives as it is important that we recognize the struggle that a certain segment of our Nation endures and support them by ensuring that we give attention to this matter.

As you may know, H.R. 5987, directs the Secretary of the Treasury to disburse a $250 payment to recipients of Social Security, SSI (Supplemental Security Income under title XVI of the Social Security Act), railroad retirement benefits, and veterans disability compensation or pension benefits if no cost-of-living adjustment (COLA) is payable in 2011.

I support the Seniors Protection Act of 2010. This Act will provide immediate relief to seniors struggling on fixed income with increasing expenses. The legislation will provide 54 million Social Security beneficiaries and others with a one-time $250 payment, in lieu of a COLA. Now more than ever this emergency spending of $14.5 billion would provide targeted economic relief to our most vulnerable citizens living on fixed incomes, and struggling with rising health care, food and utility costs.

For many, social security checks are the primary source of income and for others, social security checks are the only source of income. It is both fair and appropriate to now provide a second payment to help stimulate our Nation's economy and at the same time assist seniors, people with disabilities, children and other Social Security beneficiaries who did not receive a cost of living adjustment in 2010 and will not get one again in 2011. The Bureau of Labor Statistics has determined that the cost of medical care services has risen by nearly seven percent in just the last two years. This $250 payment would represent a small step toward reversing the erosion in benefits caused by the skyrocketing cost of health care.

Therefore, I am requesting that we, the Congress urge President Obama to include a $500 payment for seniors in his Budget Request for next year. This $500 payment represents an inclusion for the lack of COLA in 2010 and 2011 years. While I understand that this will not totally eradicate the financial strain, I believe this allotment will serve to ameliorate some financial hardships. It is important that Congress guarantees resources to our seniors that will assist them in not only surviving, but also thriving.

Mr. Speaker, I strongly support H.R. 5987 and ask for its immediate adoption.

Mr. POMEROY. 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 North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, H.R. 5987, 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. POMEROY. 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.

SOCIAL SECURITY NUMBER PROTECTION ACT OF 2010

Mr. POMEROY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3789) to limit access to social security account numbers.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3789

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 "Social Security Number Protection Act of 2010".

SEC. 2. SOCIAL SECURITY NUMBER PROTECTION.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. POMEROY) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

Mr. POMEROY. Mr. Speaker, earlier this year, I introduced a bill with my friend, the ranking member on the Social Security Subcommittee, SAM JOHNSON, to protect the accuracy of Social Security records and help shield individuals from identity theft. Our bill prohibited Federal, State, and local governments from employing prisoners in any capacity that would allow inmates access to the full or partial Social Security numbers of other individuals, such as through prison labor contracts. The bipartisan Senate bill before us today does the same thing and also prohibits Federal, State, and local governments from displaying Social Security numbers on paper checks, which will also help protect the Social Security program and protect fraud. Both are obvious changes that would protect millions of Americans from identity theft.

Mr. Speaker, I urge passage of this bill.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I concur with all that's been said so far.

You know, Americans worry about the security of their personal information, including their Social Security number, and I don't blame them. Even though Social Security numbers were

created to track wages for determining Social Security benefits, these numbers are widely used as personal identifiers. In fact, in their April, 2007 report, the President's Identity Task Force identified the Social Security number as the ''most valuable commodity for an identity thief.'' And these thieves are working overtime. Identity theft is the fastest growing fraud in America—last year there were over 11 million victims.

The Federal Trade Commission says identity theft costs consumers about $50 billion per year. Today, we are taking a step forward—albeit a small step—to protect Social Security numbers by preventing prisoner access to these numbers and prohibiting Social Security numbers from appearing on government checks.

Believe it or not, the Social Security Inspector General found that eight States currently allow prisoners to work on jobs that give them access to Social Security numbers. With today's vote we will be one step closer to putting an end to that practice.

I am glad to report that over the years the Ways and Means Committee has been working on a bipartisan basis to stem the tide of identity theft through restricting the sale, use, and public display of Social Security numbers, and I thank my colleague for that.

Most recently, these provisions are part of the Social Security Number Privacy and Identify Theft Prevention Act introduced in this Congress by then Subcommittee Chairman JOHN TANNER and myself. I was also pleased to join Chairman POMEROY when he introduced H.R. 5854, the No Prisoner Access to Social Security Numbers Act of 2010. This is a great bill. I urge my colleagues to support this important first step by voting ''yes.''

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

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Houston, Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Let me first say I want to thank my colleague for bringing both these bills up, H.R. 5987 and also S. 3789.

First let me talk about Congressman POMEROY. He and I came to the Congress together in 1993, and we worked together on a lot of issues, he coming from a very rural area. But we found out about 3 or 4 years ago that—and you can tell my Texas accent—his State has grown dramatically in the production of natural gas and oil, and also they have a refinery in North Dakota. I have five refineries, but I'm glad they have one up in his State.

We have worked together for the last few years on energy issues for our country, and I want to thank him for his service to our country. EARL, we will miss you. And I will miss your friendship and your leadership on the Ways and Means Committee.

I am proud to be here today to support not only S. 3789, the Social Security Number Protection Act, but also H.R. 5987, the Seniors Protection Act of 2010. For the second year in a row our Nation's seniors and veterans and people with disabilities have been denied a cost of living adjustment, their COLA. The Seniors Protection Act would provide 54 million Social Security beneficiaries with a one-time $250 payment in lieu of a COLA.

This bill would provide targeted economic relief for our Nation's most vulnerable citizens. I have seniors in our district who get Social Security, they're married, and some of them are in terrible shape because of their circumstances—I have one who, her husband is disabled, she takes care of him, but because of a family situation she is taking care of three of her grandchildren. This is the second year she would not get any assistance or any increase in her Social Security. That is why this bill is so important.

Almost two out of three seniors and 70 percent of people with disabilities rely on Social Security for half or more of their income. One-third of seniors get more than 90 percent of their income from Social Security. It's important that our Nation continue the promise that Americans should be allowed to retire with dignity, which has lasted for 75 years.

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

Mr. POMEROY. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. GENE GREEN of Texas. Thank you. And I just urge my colleagues to vote for H.R. 5987, but also for S. 3789.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

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Mr. DEFAZIO. I thank the gentleman for the time and thank him for his leadership on both the issues before us regarding Social Security.

The protection of our Social Security numbers is vital. I once had a reporter come to my office and say, I have something to show you. She pulled out a piece of paper, and she said, Here's your Social Security number. I bought it for $15 online. That should not be allowed. That should be an illegal activity in this country.

But the other issue that just preceded this is equally important to 40 million people who collect Social Security and a number of people who collect veterans benefits, and that is a meaningful and well-deserved cost-of-living adjustment for real increases in the costs of living for seniors in America.

Now, yeah, the pointy heads down at the Department of Labor have this jiggered up kind of cost-of-living index which puts heavy weight on buying a 4G iPhone and the reductions in costs, and second generation or third generation of expensive computers and things like that. But it doesn't go to basics. It doesn't go to the cost of pharmaceuticals, which unfortunately many seniors have to consume to maintain their health. It doesn't go to the cost of, you know, hospital care or physicians visits. It doesn't go meaningfully to basics, like utility costs or rent or taxes on your property. None of those things are given heavy weight or any weight, in some cases, in the cost-of-living index that they are using to say to seniors, Your costs didn't go up last year, so you'll get no cost-of-living adjustment.

I have introduced legislation over a number of years to have a specific cost-of-living index for seniors called a CPI-E, elderly, because they consume from a different so-called market basket than do young consumers in this country. You'd get laughed out of the room if you went to any senior center in this country or any coffee klatch in some little coffee shop in your district with retirees and said, Hey, your costs didn't go up this last year. You don't need a cost-of-living adjustment on Social Security. Give me a break. Seniors need a cost-of-living adjustment, and we need to protect our Social Security numbers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are digressing from the business at hand to something that has already happened. He needs to know that the people out there do understand the cost-of-living adjustment. It is fixed under Social Security rules, and they don't need it this year.

Mr. Speaker, I urge my colleagues to support this important legislation. It is good for America.

I yield back the balance of my time.

Mr. POMEROY. Mr. Speaker, by way of close, let me say that the legislation before us is important and reflects what has been a pattern of bipartisan work between the ranking member and myself as I have chaired the Social Security Subcommittee. I have enjoyed working with Sam Johnson. It is a pretty thrilling thing for a kid from North Dakota to get to work with an American hero, and I have appreciated his conscientious service as ranking member of the Social Security Subcommittee.

I also, to colleagues, have deeply appreciated the opportunity to chair the committee. I received a Social Security check in my own life when my dad died as I was a teenager. To have the opportunity to chair the subcommittee, protecting the United States' most important domestic program, Social Security, was a deep honor and a responsibility that I'll always treasure, having had that chance.

I want to thank the staff members who helped throughout, keeping this subcommittee superbly supported with the important policy work before it. Kathryn Olson, Joel Najar, Morna Miller, Jennifer Beeler on the majority. We have certainly appreciated working with Kim Hildreth on the minority. It has been a terrific experience.

GENERAL LEAVE

Mr. POMEROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 3789, the bill now under consideration.

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

There was no objection.

Mr. POMEROY. I encourage my colleagues to support this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, S. 3789.

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.

RECOGNIZING EFFORTS OF WELCOME BACK VETERANS

Mr. DONNELLY of Indiana. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1746) recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1746

Whereas the Boston Red Sox Foundation has been augmenting the Departments of Defense and Veterans' Affairs in providing care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder (PTSD) and related psychiatric disorders;

Whereas members of all components of the United States Armed Forces have been serving honorably in Iraq and Afghanistan since 2001;

Whereas deployed soldiers frequently and continually engage in high-intensity combat operations, exposing them to potential triggers for PTSD or other psychiatric conditions;

Whereas the prevalence of clinically diagnosed cases of PTSD in veterans who have served in Iraq or Afghanistan ranges from 1.5 to 9 percent, depending on exposure risk factors, and the prevalence of PTSD symptoms in such veterans, based on self-reported surveys, ranges from 4.2 to 26 percent depending on exposure risk factors;

Whereas those with PTSD are at higher risk for developing other psychological disorders, such as depression, more likely to engage in self-destructive behaviors, such as alcohol and substance abuse;

Whereas PTSD has been associated with unemployment and a work productivity loss;

Whereas PTSD, left untreated, may exact an additional toll on individuals, families, and society;

Whereas veterans and active members of the United States Armed Forces are a distinguished and honored part of our society and deserve special recognition and treatment for their sacrifices on our behalf;

Whereas the Committee on Veterans' Affairs of the House of Representatives encourages and actively seeks innovative treatments for PTSD and traumatic brain injury (TBI);

Whereas Major League Baseball, in partnership with the McCormick Foundation, the Entertainment Industry Foundation, and University Hospitals at Weill Cornell, the University of Michigan and Stanford University have founded Welcome Back Veterans, a not-for-profit organization committed to creating a national network of centers to provide the best care to veterans, and funding groundbreaking research to limit the scope of PTSD;

Whereas the Boston Red Sox Foundation independently founded a program to provide PTSD treatment for veterans in conjunction with Massachusetts General Hospital;

Whereas Welcome Back Veterans through Major League Baseball Charities and the Boston Red Sox Foundation have funded efforts at four hospitals and universities—Massachusetts General in Boston, Weill Cornell in New York, the University of Michigan, and Stanford University in California;

Whereas Major League Baseball and the Boston Red Sox Foundation have already raised $15,000,000 in private funding to support treatment, research, and innovation in PTSD care through grants to other service organizations;

Whereas the University of Michigan has already begun treatment of hundreds of members of the Armed Forces and veterans in a new buddy-to-buddy program;

Whereas Massachusetts General is providing evaluations and treatment to local veterans with PTSD and TBI, family counseling, and outreach for family members of veterans affected by these two conditions;

Whereas Massachusetts General, Weill Cornell, and Stanford University are doing ongoing research to improve treatments and community education of health workers, clergy, social workers, human resource providers, and others;

Whereas the Department of Veterans Affairs provides some counseling services to family members of those suffering from PTSD;

Whereas the University of Michigan and Massachusetts General are providing counseling and related services to family members of those suffering from PTSD;

Whereas 5,000 veterans and members of the Armed Forces are already receiving help through the Welcome Back Veterans program; and

Whereas Welcome Back Veterans is committed to a public-private partnership with appropriate government agencies to continue to expand their work and outreach: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and supports the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder and related psychiatric disorders; and

(2) encourages the Secretary of Veterans Affairs to establish innovative public-private partnerships for the treatment and research of post-traumatic stress disorder in teaching hospitals across the country.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. DONNELLY) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. DONNELLY of Indiana. 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 House Resolution 1746, as amended.

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

There was no objection.

Mr. DONNELLY of Indiana. I yield myself such time as I may consume.

Mr. Speaker, before I talk about the importance of the resolution before us today, I want to thank the Committee on Armed Services for working with us to bring this resolution to the floor and would ask that the exchange of letters waiving jurisdiction between the Committee on Veterans' Affairs and the Committee on Armed Services be inserted into the CONGRESSIONAL RECORD.

Mr. Speaker, we are all aware that post-traumatic stress disorder, PTSD, is one of the signature wounds of Operation New Dawn and Operation Enduring Freedom. Countless reports and studies bear out this statement. Most significantly, a 2008 study released by the RAND Corporation reported that one in five veterans of the wars in Iraq or Afghanistan are suffering from PTSD. Studies by other experts and by the VA itself demonstrate how widespread and serious PTSD is; and as more servicemembers return home, the problem will only grow larger.

VA has made important strides in the treatment of PTSD. They boast providers throughout the Nation who offer excellent care for PTSD and researchers who have found innovative, ground-breaking new treatments as well. But VA cannot combat PTSD alone. Dedicated advocates and organizations throughout the country are committed to doing their part to help provide care for our veterans.

Welcome Back Veterans has answered this call to service. The partnership between Major League Baseball, the McCormick Foundation, the Entertainment Industry Foundation and the university hospitals at Weill Cornell, the University of Michigan, Stanford University, and the Massachusetts Institute of Technology have already made tremendous accomplishments on behalf of our veterans.

They have raised over $15 million for PTSD treatment and research and are working closely with hospitals in Massachusetts, New York, Michigan, and California to help provide care to over 5,000 servicemembers. But for all the great things that Welcome Back Veterans has accomplished, I know they are poised to do so much more. They are continuing to work hard to care for our veterans, and I look forward to watching them continue with these efforts.

Welcome Back Veterans deserves our formal recognition for the great work they have done. I urge you to join me in offering my gratitude to Welcome Back Veterans by supporting House Resolution 1746.

HOUSE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES,
Washington, DC, December 7, 2010.

Hon. BOB FILNER,
Chairman, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN FILNER: I am writing to you concerning H. Res. 1746, recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders. This measure was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, 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.

Our committee recognizes the importance of H. Res. 1746, and the need for the resolution to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H. Res. 1746. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the resolution which fall within its Rule X jurisdiction.

Please place this letter and a copy of your response into the CONGRESSIONAL RECORD during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, December 7, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN SKELTON: Thank you for your letter regarding House Resolution 1746, ''Recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders.'' This measure was referred to the Committee on Veterans' Affairs and sequentially referred to the Committee on Armed Services.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 1746 in the interest of expediting consideration of this important measure. I agree that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

BOB FILNER,
Chairman.

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

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1746, as amended, a bill to recognize and support the efforts of the Welcome Back Veterans organization to augment the services provided by the Department of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder and related psychiatric disorders.

Many of our veterans return from combat in need of assistance due to the symptoms related to PTSD. Welcome Back Veterans is engaged in a public-private partnership with the Department of Veterans Affairs, the Department of Defense, Major League Baseball, the McCormick Foundation and university hospitals of Weill Cornell, the University of Michigan, and Stanford University to help veterans by addressing the ongoing issue of PTSD.

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Nearly 5,000 veterans and members of the Armed Forces are already receiving help through the Welcome Back Veterans program. To date, the program has raised over $10 million in funding to help improve the lives of our veterans and their families. Their Center of Excellence initiative looks to continue their commitment to veterans by creating a network of university hospitals that specialize in assisting veterans who suffer from PTSD.

House Resolution 1746 would resolve that the House of Representatives recognizes and supports the efforts of Welcome Back Veterans and encourages the Secretary of Veterans Affairs to establish innovative public-private partnerships for the treatment and research of posttraumatic stress disorder in teaching hospitals across this country.

Again, I urge my colleagues to support H. Res. 1746.

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

Mr. DONNELLY of Indiana. Mr. Speaker, I yield 5 minutes to my good friend and colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank my good friend and former Long Islander, now from Indiana, for his leadership and for recognizing me.

Mr. Speaker, I rise in support of this resolution which I had the privilege of introducing and sponsoring. I want to thank the leaders, members and staff of the Armed Services Committee and the Veterans' Affairs Committee for their support and cooperation on this vitally important resolution.

Mr. Speaker, this resolution recognizes the efforts of Welcome Back Veterans in providing critically needed treatment for PTSD to veterans and active members of the Armed Forces. Welcome Back Veterans is a partnership with Major League Baseball Charities, the Entertainment Industry Foundation and the McCormick Foundation. They are creating a network of university hospitals to address the mental health needs of our servicemembers and their families.

To date, Welcome Back Veterans has raised over $12 million in private funding to support the treatment and research of PTSD through grants to other service organizations and has provided treatment to over 5,000 veterans and active duty servicemembers. They have a broad and integrated and innovative approach towards PTSD. And they should, because PTSD is known as a ''silent killer.'' One of out of every five veterans from Afghanistan and Iraq has been affected. It doesn't always have physical symptoms that are easily recognized. It impacts not just the servicemember but the family member, loved ones, children. Servicemembers and veterans with PTSD are at a higher risk for other challenges, such as depression; higher risk of alcohol and drug abuse; six times more likely to commit suicide than people without PTSD.

Mr. Speaker, this is a massive problem and it requires a massive response. It's not just the response from the VA and the Department of Defense. They are on the front lines of helping those who have been on the front lines with PTSD. But it's got to go even broader and deeper than that. We need partners. We need university hospitals. We need good philanthropic organizations like Major League Baseball Charities and the Entertainment Industry Foundation and the McCormick Foundation. They have assembled a team that is addressing this critical need, and this resolution encourages the Secretary of Veterans Affairs to not only support that team but continue to build and expand the public-private partnerships that will make sure that anybody that we send into combat or into the military theater or into the Department of Defense who comes back with PTSD has access to treatment and cures.

I want to thank the gentleman again for his leadership.

Mr. ROE of Tennessee. Mr. Speaker, in closing, I want to commend Congressman ISRAEL for introducing this much needed resolution and also as a veteran myself and as a physician, we need to be looking for public-private partnerships. I couldn't be happier with this because the VA is not meeting the entire need that we have of our veterans right now in treating PTSD. We need to look at innovative ways to put these young men and women back into the workforce and to help them. And certainly not just with the Iraq and Afghanistan war but through the Vietnam War and World War II. Many of our troops out there are dealing with this very, very serious problem. I want to thank these organizations privately for stepping up.

Ms. FUDGE. Mr. Speaker, I want to take a moment to offer my enthusiastic endorsement

of H. Res. 1746, recognizing and supporting the efforts of the non-profit organization, Welcome Back Veterans, in supplementing the world-class care that the Departments of Defense and Veterans' Affairs offer to our returning troops. The grassroots efforts of Welcome Back Veterans, Major League Baseball and the Boston Red Sox Foundation are testaments to the strength of the American spirit and patriotism.

We all owe our veterans a debt of gratitude that we cannot repay easily or quickly. As civilians, we will likely never be able to understand the sacrifice our veterans have made to safeguard the freedom we enjoy, the freedom that makes our Nation the greatest in the world. We can, however, honor our servicemembers by following the examples of Welcome Back Veterans by providing the resources they need to be healthy.

Major League Baseball also deserves praise for supporting the Welcome Back program for supporting the Post-Traumatic Stress Disorder research being done at Massachusetts General in Boston, Weill Cornell in New York, the University of Michigan and Stanford University in California. These institutions have also moved into previously uncharted space by providing supportive services to the families of patients suffering from PTSD.

Additionally, the League recently honored service men and women on Veteran's Day. I'm fortunate to represent a veteran who made significant contributions to World War II and Major League Baseball, Hall of Fame Cleveland Indians' pitcher Bob Feller. Mr. Feller was the first major leaguer to volunteer for active duty, enlisting in the Navy on Dec. 9, 1941, two days after Pearl Harbor and 36 days after his 23rd birthday. After surviving some of the most violent, and important sea battles of the war, Feller returned to the Indians and finished his career with 266 wins and 2,581 strikeouts. Mr. Feller, without a doubt, was a phenomenal athlete and still is a true patriot. The League's honor of him and the other veterans reminds us not to take for granted the freedom to have a national pastime.

I am proud of all the veterans in my Congressional District, and in America. Many of these men and women shoulder the psychological burden of war long after they return home, and we must not let them do so alone. Thanks to the efforts of the Boston Red Sox Foundation, Major League Baseball, McCormick Foundation, Entertainment Industry Foundation and University Hospitals at Weill Cornell, the University of Michigan and Stanford University through Welcome Back Veterans and executive agencies, we are making sure our service men and women enjoy the quality of life they so bravely defended. Again, I applaud these efforts, and challenge members of Congress to continuously build public-private partnerships that advance the treatment of PTSD.

Ms. JACKSON LEE of Texas. Mr. Speaker, I stand before you today in support of H. Res. 1746, "Recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from post-traumatic stress disorder (PTSD) and related psychiatric disorders."

I would like to begin by thanking my colleague, Representative ISRAEL, for introducing this resolution to the House, which encourages the Secretary of Veterans Affairs to establish innovative public-private partnerships for the treatment and research of PTSD in teaching hospitals across the country. I urge my colleagues to also support this resolution, as it honors the fact that those who have fought for our Nation should remain a priority.

It is important that we, as a Nation, continue to recognize that our great country stands strongly today because of the dedication and sacrifice of American veterans. The United States is surely indebted to the veterans of every conflict, who have made great sacrifices for themselves and their families in defense of our national security. Our freedom is intertwined with the sacrifices of our veterans, whose devotion to our way of life is unparalleled. I am privileged to stand before you today and officially honor their sacrifices and the role they play in our Nation.

Every Veterans Day, Americans come together to remember those who have served our country around the world in the name of freedom and democracy. The debt that we owe to them is immeasurable. Their sacrifices and those of their families are freedom's foundation. Without the brave efforts of all the soldiers, sailors, airmen, marines, and Coast Guardsmen and their families, our country would not live so freely.

Deployed soldiers frequently and continually engage in high-intensity combat operations, exposing them to potential triggers for PTSD or other psychiatric conditions. A 2008 report published by the RAND Corporation estimated that one in five Iraq and Afghanistan veterans are affected by PTSD. Those with PTSD are at high risk for developing other psychological disorders, such as depression.

Furthermore, those suffering with PTSD are more likely to engage in self-destructive behaviors, such as alcohol and substance abuse, and are six times more likely than persons without PTSD to commit suicide. PTSD has been associated with unemployment and a work productivity loss, and when left untreated, exacts an enormous toll on individuals, families, and society as a whole.

This resolution not only solidifies the importance of Veterans Day, but also extends the importance of support for veterans and their health and safety throughout the year. In observing Veterans Day, the people of the United States must also encourage the education of our youth on how those dedicated individuals have contributed to the United States' history and today's society. We must continue the tradition of honoring those who have served for the greatest causes, freedom, democracy, and justice; their commitment to the United States at home and abroad should never be forgotten. I am truly proud to rise in support of the recognition of Welcome Back Veterans for their commitment to taking care of our soldiers.

We recognize and honor the veterans of the Armed Forces not only of today, but also of years past, who have sacrificed their lives for our great Nation. This resolution reaffirms our country's utmost respect and pride for our service people who have contributed to the shaping of the United States' history and our current place in the world today. It shows the true patriotic spirit that many Americans possess, and their willingness to give back to those who have given so much to maintain our freedom.

Currently, our Nation has 3 million troops and reservists, and 23 million veterans, who deserve the greatest respect from their fellow citizens. Our Nation has a proud legacy of appreciation and commitment maintaining the wellbeing of the men and women who have uniforms in defense of this country, and we must ensure that this legacy continues in the future.

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

Mr. DONNELLY of Indiana. Mr. Speaker, I too want to thank my colleague Mr. ISRAEL for his leadership on this issue. I urge my colleagues to unanimously support House Resolution 1746, as amended.

Mr. 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 Indiana (Mr. DONNELLY) that the House suspend the rules and agree to the resolution, H. Res. 1746, 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. DONNELLY of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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.

The point of no quorum is considered withdrawn.

EXCLUDING SECURITY AND SAFETY EQUIPMENT FROM ENERGY EFFICIENCY STANDARDS

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5470) to exclude an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5470

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

SECTION 1. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.

Section 325(u)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)) is amended—

(1) in subparagraph (A), by striking "(D)" and inserting "(E)"; and

(2) by adding at the end the following:

"(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

"(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

"(I) IN GENERAL.—The term 'security or life safety alarm or surveillance system' means

equipment designed and marketed to perform any of the following functions (on a continuous basis):

''(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

''(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

''(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

''(II) EXCLUSION.—The term 'security or life safety alarm or surveillance system' does not include any product with a principal function other than life safety, security, or surveillance that—

''(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

''(bb) does not operate necessarily and continuously in active mode.

''(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

''(I) is an AC-to-AC external power supply;

''(II) has a nameplate output of 20 watts or more;

''(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

''(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External Ac–Dc and Ac–Ac Power Supplies', published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

''(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

''(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

''(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

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

I rise today to offer H.R. 5470, a simple piece of legislation that provides a straightforward technical correction to the Energy Independence and Security Act of 2007.

Specific provisions in the Energy Independence and Security Act intended to increase the energy efficiency requirements for battery chargers and external power supplies have been implemented in a way that includes security and life safety products but yields no energy savings. The law requires the power supplies on these products to meet energy efficiency standards in a number of different modes, including off mode and standby mode. Security and life safety products, however, are always on and never operate in off mode or standby mode. Fire monitors, carbon monoxide monitors, intrusion detection sensors and access control readers require a constant, uninterrupted power supply. Security products are always in active mode, meaning they are connected to a main power source and remain active to detect and monitor various readings. To disconnect these devices from the transformer would destroy the integrity of the security system and compromise public safety and security.

This legislation will provide an exemption for security and life safety products from these Federal energy efficiency requirements while still retaining the law's active mode efficiency requirements for these products. Without creating this correction for security and life safety products, the industry will be forced to spend millions of dollars to comply with an energy standard that will yield no energy savings and could actually cost jobs.

Mr. Speaker, this commonsense correction to current law is supported by the security industry and a broad spectrum of environmental groups, including the Natural Resources Defense Council, the American Council for an Energy-Efficient Economy, and the Alliance to Save Energy. The bill also contains language which will mitigate any potential newfound concerns by limiting the duration of the exemption to allow the Department of Energy to modify it after July 2017.

I would also note, Mr. Speaker, that the Department of Energy supports this correction, which is documented in response to a question for the record submitted by Senator BINGAMAN following a Senate Committee on Energy and Natural Resources hearing. It is also bipartisan. My colleague from Kentucky who is on the floor is also one of the cosponsors of this bill.

I would urge all my colleagues on both sides of the aisle to support this sensible technical correction and vote ''aye.''

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

Mr. WHITFIELD. Mr. Speaker, I yield myself as much time as I may consume.

I want to thank the gentleman from New Jersey for introducing this important legislation. We anticipate that over the next 25 years, the demand for electricity in America is going to almost double. One of the ways, not the only way, but one of the ways that we are going to have to address this problem is to have consumer products that are more efficient, that use less electricity.

□ 1120

That was certainly the purpose of the Energy Independence and Security Act of 2007, which sought to clarify requirements in the measurement of energy consumption in certain consumer devices. Some of the devices, however, that were not excluded in this legislation included security devices such as smoke and carbon monoxide detectors.

When we have regulations to make products more efficient, it's always a balancing act. We want them to be more efficient, but we don't want them to have to be redone in such a way that it raises the price to the consumer and makes the manufacturer of that product less competitive in the global marketplace.

This legislation, H.R. 5470, is designed to do particularly that, to exclude from this legislation of 2007 these security devices such as smoke and carbon monoxide detectors. This legislation is going to help clarify that, because we went to the Department of Energy and asked them to modify the requirements, and they refused, saying that they could issue a ruling only to modify regulations written by the Department, not amend a law passed by Congress. Mr. PALLONE's legislation does expressly that. I would urge all of our Members to support it.

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

Mr. PALLONE. I would also yield back the balance of my time and urge passage of the bill.

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 pass the bill, H.R. 5470.

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.

GUARANTEE OF A LEGITIMATE DEAL ACT OF 2010

Mr. WEINER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4501) to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4501

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 ''Guarantee of a Legitimate Deal Act of 2010''.

SEC. 2. RETURN REQUIREMENTS FOR PURCHASERS OF PRECIOUS METALS.

(a) UNLAWFUL CONDUCT.—It shall be unlawful for any purchaser of precious metals to—

(1) sell, transfer to a third party, or refine through melting or otherwise permanently destroy an item of jewelry or precious metal before the purchaser of precious metals has received an affirmative acceptance of an offer to purchase the item for a specific price from the consumer to whom such offer was made;

(2) fail to promptly return to the consumer any jewelry or other precious metal if the consumer declines the offer to purchase made by the purchaser of precious metals; or

(3) fail to insure any shipment to the consumer of such jewelry or precious metals in an amount equal to—

(A) the amount the consumer insured the shipment of the jewelry or precious metals to the purchaser of precious metals, if the consumer provides the purchaser of precious metals with proof of such insurance; or

(B) 60 percent of the melt-value of the jewelry or precious metals, if the consumer does not provide the purchaser of precious metals with proof of such insurance.

(4) Law Enforcement Exception—Paragraph (1) of this subsection shall not prohibit the sale or transfer of any item of jewelry or precious metal to law enforcement agencies or their personnel.

(b) DEFINITIONS.—As used in this Act—

(1) the term ''purchaser of precious metals'' means a person who is in the business of purchasing jewelry or other precious metals directly from consumers; and

(2) the term ''melt-value'' means the reasonable estimated value of any item of jewelry or precious metal, as determined by the purchaser of precious metals, if such item were processed and refined by the purchaser of precious metals.

(c) REGULATIONS.—The Commission may issue regulations under section 553 of title 5, United States Code, to carry out the purposes of this Act.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—A violation of this Act or a regulation issued pursuant to this Act shall be treated as an unfair or deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(b) POWERS OF COMMISSION.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates this Act shall be subject to the penalties and entitled to the privileges and immunities provided in that Act.

SEC. 4. EFFECTIVE DATE.

The provisions of this Act shall take effect 60 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WEINER) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members 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 York?

There was no objection.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume, and I don't intend to use all of the time. I thank the indulgence of the gentleman from Kentucky both in this debate and during consideration of this bill in committee.

Mr. Speaker, during these difficult economic times, Americans are looking for any way that they can to try to make ends meet. They are taking on second jobs; they are looking through their cupboards, trying to see if there is anything they can sell. Just about any opportunity they can to make a few dollars people are looking for. That is why there has been a great deal of attention paid recently to companies that are advertising very heavily that if you give us your gold and jewelry, we will give you cash for those products.

The problem is that when you put the gold and the jewelry in the envelope and send it to some of these companies, they are finding that consumers are not being treated very well. The Consumers Union and their publication Consumer Reports did a good expose on this, turning out the problems people face. Sometimes they are getting pennies on the dollar for what comes back, but even more difficult are the cases where people don't even agree to the transaction; or finding that since they didn't act fast enough, their gold or jewelry had been melted down, sold off for pennies on the dollar, and they were left with very little recourse.

When Congress found out about this, a hearing was convened in Congressman Bobby Rush's subcommittee in the Energy and Commerce Committee. We heard from victims who had this happen to them. And we also heard from industry groups. There was virtual consensus that more needed to be done to protect consumers. You can have a debate, which perhaps should go on in each household before you engage in one of these transactions through the Internet or through the mail, whether or not you should see a neighborhood pawn broker, a neighborhood jeweler, someone who can give you some actual hands-on advice about these things. But as with so many things with rare jewelry, it's like a lot of other elements of products that consumers don't have a real intrinsic sense of what they should be worth, so they are subject to be taken advantage of.

The act we are taking up today, the GOLD Act, the Guarantee of a Legitimate Deal Act of 2009, makes some changes in the law to give consumers a little bit more weight on their side of the scale, no pun intended. What it would mean is that under this new law a consumer would have to accept or reject the offer before the transaction has been considered complete. Right now there are many companies, including Cash4Gold, the biggest one of them, that will give a finite number of days after which they will simply melt down the gold and consider the transaction completed.

It mandates that the purchasers of precious metals through the mail insure the products and send them back in the same insurance level that they were sent to them for. Let me explain why that's necessary. According to the postal service, we have a large number of people alleging that they would send their gold, say I don't want to do the deal, and mysteriously when the gold was mailed back to them, it disappeared in the mail. And, frankly, it seems more likely than not that the people sending back those shipments never actually did it.

So what we are proposing here is that if someone insures it for $100 going, it gets insured for $100 when it gets sent back as part of the transaction. And it would institute civil penalties for any company that melts down someone's gold without the prior approval by the consumer.

Now, as I said, you can have a debate, and I think that it seems from a lot of the testimony that we took it's good to get a second or a third opinion about the true value, as you might really have some rare exotic piece of jewelry or something that has a high level of gold content; and you may find that when you send it to one of these places, as Consumer Reports found out when they did a study, they found out that the people were only getting on average of between 11 and 29 percent of the value of the gold actually offered back to them.

So you should try to get some advice from an actual person you trust in your community: a jeweler, a pawn broker, and the like.

But also what this finally says is if you are going to go ahead with one of these transactions, if you are going to take a piece of jewelry that you have, put it in one of these prepaid envelopes and mail it off, you are going to continue to have control over the transaction should this law pass. That's why the Consumers Union supports it, the Jewelers Vigilance Council, which is the trade organization that testified. And it's my understanding that even the biggest player in the field that prompted this investigation, Cash4Gold, has said that they support this legislation. And while they have had problems, I want to commend them for doing so.

I reserve the balance of my time.

Mr. WHITFIELD. I yield myself as much time as I may consume.

I want to thank the gentleman from New York for bringing this matter to the attention of the Congress, and specifically the Energy and Commerce Committee. As he said, with the economic downturn and with the dramatic increase in the price of gold, we see more and more people mailing their gold possessions in an envelope to these companies that are buying gold and then melting it down. It is a system that is ripe with the opportunity to defraud a lot of people. And this legislation, as the gentleman from New York stated, simply clarifies a number of issues.

Number one, it makes it easier to determine whether or not a consumer is

accepting the offer of the company that's buying the gold. It also provides these additional protections on the insurance, because as the gentleman from New York said, frequently the client, the consumer, did not really want to sell; and yet it probably was melted down, and they said, well, we mailed it back to you, but it was lost in the mail.

So this is important legislation, provides additional consumer protections at a time when a lot of our consumers are particularly vulnerable to being taken advantage of. I want to commend the gentleman once again for his actions and urge the support of H.R. 4501.

I yield back the balance of my time.

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

I want to thank Representative WHITFIELD for his kind words and for his help in crafting this bill and making it better than what it was first authored, Chairman RUSH, who is the subcommittee chairman, and his staff, Peter Ketcham-Colwill, Michelle Ash, and also Yuri Beckelman of my staff and Bertine Moenaff of my staff, who helped do the research, and of course Consumers Union and the Jewelers Vigilance Council, who helped to provide testimony.

I urge my colleagues to vote ''yes,'' and I yield back the balance of my time.

□ 1130

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WEINER) that the House suspend the rules and pass the bill, H.R. 4501, 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. WEINER. 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.

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.R. 5987, by the yeas and nays;

House Resolution 1717, by the yeas and nays;

House Resolution 1540, by the yeas and nays;

House Resolution 1531, de novo.

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

SENIORS PROTECTION 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. 5987) to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time $250 payment in the event that no cost-of-living adjustment is payable in 2011, 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 North Dakota (Mr. POMEROY) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 254, nays 153, not voting 27, as follows:

[Roll No. 611]

YEAS—254

Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—153

Aderholt
Akin
Alexander
Austria
Bachmann
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Crenshaw
Culberson
Davis (KY)
Djou
Dreier
Duncan
Ehlers
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Inslee
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Markey (CO)
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Moran (VA)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Price (GA)
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Stutzman
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wittman
Wolf
Young (AK)

NOT VOTING—27

Arcuri
Bachus
Berry
Bilbray
Blunt
Boyd
Childers
Cohen
Davis (AL)
Delahunt
Fallin
Filner
Gordon (TN)
Granger
Griffith
Hoekstra
Johnson (GA)
Kennedy
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Meek (FL)
Murphy, Patrick
Radanovich
Tiahrt
Young (FL)

□ 1206

Ms. JENKINS, Messrs. GALLEGLY, SMITH of Texas, POE of Texas, KIND, MORAN of Virginia, HALL of Texas, and BILIRAKIS changed their vote from ''yea'' to ''nay.''

Mr. ELLISON, Ms. BEAN, and Mr. McCOTTER changed their vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 611, I was away from the Capitol. Had I been present, I would have voted "yes."

CONGRATULATING LIU XIAOBO ON NOBEL PEACE PRIZE

The SPEAKER pro tempore (Mrs. DAHLKEMPER). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1717) congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize, 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 gentleman from Florida (Mr. KLEIN) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 1, not voting 31, as follows:

[Roll No. 612]

YEAS—402

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
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
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
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
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
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, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
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)

NAYS—1

Paul

NOT VOTING—31

Arcuri
Bachus
Berry
Bilbray
Blunt
Boyd
Castle
Childers
Cohen
Davis (AL)
Delahunt
Edwards (TX)
Fallin
Gordon (TN)
Granger
Griffith
Hoekstra
Kennedy
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
Markey (CO)
McMorris Rodgers
Meek (FL)
Murphy, Patrick
Radanovich
Shea-Porter
Tiahrt
Wamp
Welch
Young (FL)

□ 1214

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.

SUPPORTING THE REMOVAL OF ILLICIT MARIJUANA ON FEDERAL LANDS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1540) supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands, 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 gentleman from Virginia (Mr. SCOTT) 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 400, nays 4, not voting 29, as follows:

[Roll No. 613]

YEAS—400

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)

Gohmert
Gonzalez
Goodlatte
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
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
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McKeon
McMahon
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, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
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)

NAYS—4

Frank (MA)
Kucinich
Paul
Polis (CO)

NOT VOTING—29

Arcuri
Berry
Bilbray
Blunt
Boyd
Childers
Cohen
Davis (AL)
Delahunt
Fallin
Gordon (TN)
Granger
Griffith
Hall (NY)
Hoekstra
Jones
Kennedy
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
Markey (CO)
McIntyre
McMorris Rodgers
Meek (FL)
Murphy, Patrick
Price (GA)
Radanovich
Tiahrt
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their votes.

□ 1223

Mr. FRANK of Massachusetts changed his vote from ''yea'' to ''nay.''

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.

The title of the resolution was amended so as to read: ''Supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations and other criminal groups operating on Federal lands.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. McINTYRE. Madam Speaker, during rollcall vote No. 613 on December 8, 2010, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. PRICE of Georgia. Madam Speaker, on rollcall No. 613, I was unavoidably detained. Had I been present, I would have voted "yea."

SUPPORTING DESIGNATION OF WORLD VETERINARY YEAR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1531) expressing support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution.

The question was taken.

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

RECORDED VOTE

Mr. CLEAVER. Madam 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 406, noes 0, not voting 27, as follows:

[Roll No. 614]

AYES—406

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
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
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
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
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
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
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
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
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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
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Scott (VA)
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Sessions
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Shea-Porter
Sherman
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Simpson
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Smith (NE)
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Weiner
Welch
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Wilson (OH)
Wilson (SC)
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Wolf
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Young (AK)

NOT VOTING—27

Arcuri
Berry
Bilbray
Blunt
Childers
Cohen
Davis (AL)
Delahunt
Ellsworth
Fallin
Gordon (TN)
Granger
Griffith
Hall (NY)
Hoekstra
Jones
Kennedy
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
Markey (CO)
McMorris Rodgers
Meek (FL)
Radanovich
Scott (GA)
Tiahrt
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to record their vote.

□ 1231

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1752 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1752

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 December 18, 2010.

SEC. 2. It shall be in order at any time through the legislative day of December 18, 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. DRIEHAUS). The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. POLIS. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on H. Res. 1752.

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

There was no objection.

Mr. POLIS. Mr. Speaker, House Resolution 1752 waives the requirement of clause 6 of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This would allow for the same day consideration of any resolution reported through the legislative day of December 18, 2010. Finally, the rule allows the Speaker to entertain motions to suspend the rules through the legislative day of December 18, 2010. The Speaker or her designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

Today, Mr. Speaker, as we near the end of the historic 111th Congress, key legislation remains to be completed. This rule will provide flexibility to allow bipartisan negotiations to continue and put the finishing touches on important initiatives before our 111th Congress. This rule will allow the House to act as fast as it can when receiving legislation from the Senate which, as we all know, can arrive on a very unpredictable time frame. The unpredictability of the Senate thus far this Congress, the lengthy negotiations process, and the partisanship affects the prospects and drastically reduces our ability to take on so many important bills.

This rule today is critical so that we can move forward to consider middle class tax cuts, the DREAM Act, food safety, defense authorization, regardless of where Members of this body stand on particular issues, and I think we owe it to our country to bring them forward in a timely manner for full consideration by this body.

I am very proud to be a Member of the 111th Congress. This Congress has been one of the most productive bodies in half a century and our work is not complete. We've passed several historic bills that will improve the lives of every American and help dig us out of an economic disaster leading to our recovery. We've also passed legislation to make college loans more affordable, to protect consumers from usurious credit card interest rates, to make it easier for women to challenge pay discrimination, to finally regulate tobacco products under the FDA, to crack down on waste in the Pentagon; from giving business tax incentives to hire unemployed workers and giving tax credits to first-time homebuyers which realtors in my district have told me really helped get the market going again.

But despite these historic accomplishments, there remains much work to be done in our final weeks. I could stand here as many Members of this body could for hours talking about the many bills we would like to take up and the programs we need to reauthorize, bills that would create jobs in America, strengthen our national security, fixing our broken immigration system, feeding our children, and repairing our highways. By extending same day and suspension authority until December 18, the day when government funding runs out, we're making a commitment to the country that will uphold our constitutional responsibility and stay on task and keep the government running. We're also keeping the promises that we made to our communities and our nation.

If it comes down to the wire, Mr. Speaker, this rule would give us the flexibility to act in a timely fashion. We know that to consider a bill under a rule, there needs to be a one-day layover and that suspensions are only considered Monday through Wednesday. Without this rule, if the Senate sends us a government funding measure on Saturday, December 18, we would have to literally let the government shut down. This rule is a matter of efficiency. We're all aware of the time constraints before us and the limited time remaining in this session as well as the work that needs to be done. It will do the American people no service if their elected representatives are here debating multiple procedural rules, wasting our taxpayer dollars when government shuts down. That's why we've extended the authority through the end of the current CR. Let us save the remaining time of the 111th Congress to debate the important initiatives that are still pending and pass this rule today.

Mr. Speaker, these are not unusual procedures. 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.

Mr. Speaker, this will also be the last rule that I have the honor of co-managing with my good friend and colleague from Florida (Mr. DIAZ-BALART), and I just want to say a few words on his behalf. It has been a great pleasure serving with the gentleman from Florida on the Rules Committee, having managed a number of rules together on the floor. I have always appreciated his thoughtful and incisive remarks on the Rules Committee and on the floor. His championing of developing American capital, developing the economy in Florida, in Miami; his dedication to foreign relations and affairs,

to help restore democracy to a country from which he derives his heritage. LINCOLN DIAZ-BALART is truly a great American. I look forward to staying in touch with him in his future journeys, because I know that his career in Congress is not the end of his professional career or his life journey but it is merely a stage and a beginning and we will hear many great things in the future from one of the most respected, talented, insightful Members of this Chamber. It has truly been an honor to have been his colleague on the Rules Committee.

With that, I reserve the balance of my time.

□ 1240

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume. I thank my friend from Colorado (Mr. POLIS) for the time.

I also thank him for his gracious words. He, in the short period of time that he has been here, has already left a mark with his thoughtfulness and his hard work, and really his conscience and compassion. He has left a mark on this Congress. And I know his constituents must be, and will continue to be, very proud to have sent him here because they have already seen the kind of Member of Congress that JARED POLIS is. So I thank him for those kind words.

And I share with him the view that we have been able to work on some projects together, and my hope that we will be able to work in the future. And really my almost certainty that we will be able to work together in the future on important projects as well.

Mr. Speaker, as this, the 111th Congress, proceeds, it's in its final days evidently. The rule before us provides for expedited same day consideration for all legislation brought forward until December 18, and extends suspension authority for that period. It's really martial law rule because it closes down the process, does not allow Members of Congress to review legislation, to really know what legislation that will be considered is about. And in an historically unprecedented manner, it sets 11 days for this expedited consideration of legislation without necessarily showing legislation to colleagues before consideration.

The congressional majority and the Speaker have not fulfilled their 2006 campaign pledge to have, and I quote, ''The most honest, the most open, and the most ethical Congress in history.'' It was indeed needed reform at that time. But as we now know, it failed to materialize.

This majority admits, Mr. Speaker, with the rule before us today, it admits that it doesn't even pretend to care about fair process and transparency and the rights of the minority any more. The congressional majority feels no need to allow the public and all of our colleagues to read legislation before the House votes. The language before us allows bills to be considered the same day that they are ushered through the Rules Committee. The majority cares little for the ability of Members to have input in the form of amendments to vital, must-pass legislation that we will consider in the next days and weeks.

I think it's important to note, though I think it's unfortunate, that the House of Representatives has not considered even one open rule this Congress. And that would have been certainly something that I would not have expected. In my 18 years here, I have never seen this before, and did not expect it. This House has not considered even one open rule this Congress.

Now, we've come to expect that from the current majority. And so it's to be expected that the majority will have more martial law rules like the one before us in the days ahead. I think it's appropriate, I think it's good news that the Republicans, that we have made a pledge that I am confident will be kept. I am happy to report that very soon there will be significant and impactful course correction in the House of Representatives. The Members will be able to read legislation before they cast votes. Open rules will make a triumphant return to the House floor. All Representatives in this House will be able to contribute to the legislative process, bringing forth a chorus of ideas that have been suppressed during the last two Congresses. So that's good news. And that is one of the good things about renewal in politics and the democratic process.

Again I thank Mr. POLIS for his courtesy, for his friendship, and all of my colleagues. As I said a few weeks ago, these have been an extraordinary 18 years, Mr. Speaker, the honor of my life. This is the Congress of the greatest Nation in the world. And it's a miracle. The United States of America is a miracle of freedom. And so as I leave this House, again I thank all of my colleagues for the honor of being able to have been able to serve with them, for the honor of having been able to serve with them, both those who have helped me, who have agreed with me and the causes that I have fought, and those who have opposed me. It's been an honor to serve with all of them.

At this point we have no further speakers, and so, Mr. Speaker, I urge my colleagues to vote ''no'' on this rule, and to let this House return to openness a few weeks ahead of schedule.

I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, this is a simple and important vote. The 111th Congress has done a great deal, and it has been one of the most accomplished Congresses in decades. However, there are critical needs that must be met before this body adjourns and gives way to the next United States Congress.

Mr. Speaker, it's been said that as a Member of the House one's true opponent is not the opposing party, but rather the Senate. This has never been more true, as the most deliberative body has unfortunately pushed some very complicated and yet critical decisions to the last minute, down to the wire, forcing the House and the American people in the position we find ourselves in today.

Mr. Speaker, Congress is riddled with ways to obstruct and delay progress on bills. Just a few weeks ago, the House barely scraped together the votes to pass a child nutrition bill. In the Senate, a minority of Members continue to stall the defense authorization act, the DREAM Act, as well as their work, necessary work on making sure that middle class Americans don't face an increase in taxes come January.

Gridlock is typical of Congress. And of course discussion is an important part of the political process. But never before have so many within government set out to stop progress for political gain at a great cost to our Nation. This rule will simply allow the necessary work of this House to continue, both proactively and reactively with regards to the United States Senate.

The American people want Congress to create jobs and grow the economy by working together. It's not a small task. But it certainly can't be accomplished if we yield to those who would stand in the way of progress. That's why we must pass this rule today, Mr. Speaker, to allow this body to pass critical provisions to allow government to continue to operate essential services for our citizens, defending our borders and our Nation from threats here and abroad, to make sure that middle class Americans don't face the largest tax increase in history come January. Not only do we need to make hard, well-informed decisions about what to do with regard to our tax code, but we need to make tough decisions about many other tax provisions that are scheduled to expire at the end of this calendar year.

It is that calendar, that 10-year clock that necessitates the 111th Congress getting this work done prior to the end of the year. I strongly encourage my colleagues to vote ''yes'' on the previous question and the 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 ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART 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, further proceedings on this question will be postponed.

□ 1250

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Recorded votes on postponed questions will be taken later today.

WEEKENDS WITHOUT HUNGER ACT

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5012) to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5012

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 ''Weekends Without Hunger Act''.

SEC. 2. WEEKENDS AND HOLIDAYS WITHOUT HUNGER.

Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

''(j) WEEKENDS AND HOLIDAYS WITHOUT HUNGER.—

''(1) DEFINITIONS.—In this subsection:

''(A) AT-RISK SCHOOL CHILD.—The term 'at-risk school child' has the meaning given the term in section 17(r)(1).

''(B) ELIGIBLE INSTITUTION.—

''(i) IN GENERAL.—The term 'eligible institution' means a public or private nonprofit institution that is determined by the Secretary to be able to meet safe food storage, handling, and delivery standards established by the Secretary.

''(ii) INCLUSIONS.—The term 'eligible institution' includes—

''(I) an elementary or secondary school or school food service authority;

''(II) a food bank or food pantry;

''(III) a homeless shelter; and

''(IV) such other type of emergency feeding agency as is approved by the Secretary.

''(2) ESTABLISHMENT.—Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this subsection, the Secretary shall establish a program under which the Secretary shall provide commodities, on a competitive basis, to eligible institutions to provide nutritious food to at-risk children on weekends and during extended school holidays during the school year.

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—To be eligible to receive commodities under this subsection, an eligible institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine.

''(B) PLAN.—An application under subparagraph (A) shall include the plan of the eligible institution for the distribution of nutritious foods to at-risk school children, including—

''(i) methods of food service delivery to at-risk school children;

''(ii) assurances that children receiving foods under the project will not be publicly separated or overtly identified;

''(iii) lists of the types of food to be provided under the project and provisions to ensure food quality and safety;

''(iv) information on the number of at-risk school children to be served and the per-child cost of providing the children with food; and

''(v) such other information as the Secretary determines to be necessary to assist the Secretary in evaluating projects that receive commodities under this subsection.

''(4) PRIORITY.—In selecting applications under this subsection, the Secretary shall give priority to eligible institutions that—

''(A) have on-going programs and experience serving populations with significant proportions of at-risk school children;

''(B) have a good record of experience in food delivery and food safety systems;

''(C) maintain high quality control, accountability, and recordkeeping standards;

''(D) provide children with readily consumable food of high nutrient content and quality;

''(E) demonstrate cost efficiencies and the potential for obtaining supplemental funding from non-Federal sources to carry out projects; and

''(F) demonstrate the ability to continue projects for the full approved term of the pilot project period.

''(5) GUIDELINES.—

''(A) IN GENERAL.—The Secretary shall issue guidelines containing the criteria for projects to receive commodities under this section.

''(B) INCLUSIONS.—The guidelines shall, to the maximum extent practicable within the funds available and applications submitted, take into account—

''(i) geographical variations in project locations to include qualifying projects in rural, urban, and suburban areas with high proportions of families with at-risk school children;

''(ii) different types of projects that offer nutritious foods on weekends and during school holidays to at-risk school children; and

''(iii) institutional capacity to collect, maintain, and provide statistically valid information necessary for the Secretary—

''(I) to analyze and evaluate the results of the pilot project; and

''(II) to make recommendations to Congress.

''(6) EVALUATION.—

''(A) INTERIM EVALUATION.—Not later than November 30, 2013, the Secretary shall complete an interim evaluation of the pilot program carried out under this subsection.

''(B) FINAL REPORT.—Not later than December 31, 2015, the Secretary shall submit to Congress a final report that contains—

''(i) an evaluation of the pilot program carried out under this subsection; and

''(ii) any recommendations of the Secretary for legislative action.

''(7) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary, to remain available until expended.

''(B) AVAILABILITY OF FUNDS.—Not more than 3 percent of the funds made available under subparagraph (A) may be used by the Secretary for expenses associated with review of the operations and evaluation of the projects carried out under this subsection.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 5012 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5012, the Weekends Without Hunger Act, legislation to help us prevent school-aged children from having to go hungry during weekends and breaks when they are not in school.

The Weekends Without Hunger Act helps prevent children from going hungry when they are not in school. The bill responds to the growing challenge of children coming to school hungry on Mondays and after extended holidays. It establishes a 5-year pilot program to provide commodities to schools and food banks in low-income areas, to provide nutritious food to at-risk school children to take home on weekends and during school holidays.

Nearly one in four of our Nation's children are at risk of going hungry every day. No child should go hungry, yet millions of families struggle to make ends meet and put healthy food on the table at home.

More than 19 million school-age children eat a free or reduced-price meal at school every day and many of them depend on the school meals as their main source of food throughout the week. During days that school is in session, school breakfasts and lunches help keep children healthy and prepared to learn in the classroom. Children who experience hunger get sick more often and exhibit decreased attention and test scores.

Even with the child nutrition safety net already in place, there is still a significant gap in children's access to nutrition during weekends and breaks from school. For many children, this gap means going without nutritious meals—or any meals at all over the weekend and when school is out.

The organization Feeding America has been at the forefront of public-private partnerships to ensure children and families have access to healthy meals. Their BackPack Program is one in a number of innovative programs they operate to meet the needs of families who experience hunger.

This program provides backpacks filled with nutritious food that is child friendly, nonperishable and easily consumed. These backpacks are discreetly distributed to children on the last day before the weekend or holiday vacation. Currently, more than 3,800 BackPack Programs serve nearly 190,000 children in 46 States and the District of Columbia.

The BackPack Program has been very successful and in much demand. Many programs have begun waiting lists because they are unable to fulfill every request for service.

Earlier this year, the Committee on Education and Labor reported the bipartisan bill improving nutrition for America's Children Act, H.R. 5504, to the House by a vote of 32–13. The Weekends Without Hunger provision was included in this bill.

Last week, the House approved S. 3307, the Healthy, Hunger-Free Kids Act, to reauthorize and improve the child nutrition programs to increase children's access to these critical programs and to improve nutrition quality. While we were unable to include H.R. 5012 in that bill, the committee strongly believes this initiative deserves consideration and supplements what was included in the Healthy, Hunger-Free Kids Act.

Mr. Speaker, I want to thank Representative TITUS for her leadership in bringing this bill to the floor and once again express my support for H.R. 5012, the Weekends Without Hunger Act.

I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in opposition to H.R. 5012. To refresh my colleagues' memories, just last week the House sent the reauthorization of child nutrition and school meal programs to the President for his signature. That bill spent an additional $4.5 billion and added more than a dozen new programs. It was a significant expansion of Federal child nutrition programs at a time when the American people have told us to stop growing government and, instead, to make current programs better rather than simply layering on new programs.

Every Member of this Chamber wants to fight childhood hunger and promote healthy school meals, but adding one more program in a long line of new programs is not the way to do that. We could have debated this bill, along with several other proposals, during floor consideration of child nutrition legislation last week, if only this majority did not insist on stifling debate with closed rules.

Unfortunately, just like the responsible Republican alternative, this program was not considered at the time it should have been during that debate. Instead, we are here today debating whether to add yet another program to the ever-expanding Federal Government under this majority. This is another new program to add to the list of new programs created just last week.

The Federal Government supports numerous programs to feed children in school, after school and during the summer. If the majority did not see fit to include this new program when it reauthorized child nutrition programs last week, I do not see how we can justify its creation today and urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. I rise today in support of H.R. 5012, the Weekends Without Hunger Act.

Last week the House passed a child nutrition bill that takes important steps towards keeping our children healthy and hunger free while in school. This is a goal I strongly support, and that's why I introduced the legislation called Weekends Without Hunger Act, which would help children not be hungry whether or not they are in school.

Across the country, almost one out of every four children is at risk of going hungry. In southern Nevada, over 50 percent of children rely on the free and reduced lunch program. That means that more than 156,000 students are facing hunger at home and many depend on school meals as their main source of food and nutrition throughout the week.

While school meals help keep children healthy and ready to learn during days when school is in session, there is currently no targeted federal child nutrition program available to provide these children with food during the weekend or extended holidays when they do not have access to those school meals.

Especially at this time of year when most of us are having holiday meals with our families and friends, it's important to remember so many children are not enjoying their school vacation because they are going hungry. A vacation from school should not mean hunger for our children.

Food banks around the country, including ThreeSquare food bank in Las Vegas, has stepped up to meet the challenge of hunger on weekends through programs such as Backpack for Kids. In Clark County, Backpack for Kids operates in 178 schools, assembling and delivering approximately 5,200 weekend backpacks each week filled with nutritional, nonperishable foods to provide meals for children in need.

I believe that at the Federal level, we can and should be doing more to support vital programs like Backpack for Kids. That's why I introduced Weekends Without Hunger, which will help children and keep them from going hungry when they are not in school over the weekends and during holidays.

In this tough economic climate, food banks across the country are seeing an increased need for their services. That's especially true in areas hardest hit by unemployment.

While these organizations are doing great work, passing H.R. 5012 would build on their efforts and help them do even better. It would be a great partnership.

□ 1300

H.R. 5012 would establish a 5-year pilot program to provide commodities to eligible institutions such as schools and food banks to provide nutritious food to at-risk school children over the weekend and during school holidays. For example, $10 million would be enough funding for approximately 3 million weekend food backpacks. To ensure that the Federal funds are well spent, the bill also requires an interim and final evaluation of the program by the Secretary of Agriculture.

I urge you all to support H.R. 5012, Weekends Without Hunger. As this Congress moves to give tax breaks to millionaires, I implore you not to forget the children. It is a disgrace that in a country this great and this wealthy that any child should go home and go to bed hungry. So I ask you to vote for this bill, or else go look a hungry child in the eye and tell him or her, You're just not valuable enough to save.

Mr. GUTHRIE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I rise today in support of H.R. 5012, the Weekends Without Hunger Act. I want to personally and forcefully thank Congresswoman DINA TITUS for introducing this important piece of legislation.

Congresswoman TITUS and I share southern Nevada as our adjoining congressional districts. Let me tell you what's happening there. We have a serious economic problem. Almost 20 percent of the people I represent have no work. That translates and transfers down to their children, who are having very serious times, as are their parents.

For so many children in the Clark County School District, the only meals they are getting, the only hot meals they are getting, the only meals and nutrition of any kind, are the ones they are receiving in school. So, many of the schools in Clark County are now not only serving a lunch to their schoolchildren, they are also serving breakfast as well. So many of our youngsters are showing up at school with an empty stomach because they have nothing to eat at home. Try learning when you're 5, 6, 7, 8 years old, when your tummy is grumbling as you sit in your class. It's not possible to do.

I attended a school, Whitney Elementary School, and went into one of the trailers that the principal escorted me to. It was filled with food. And I commented, Why is there so much food in this trailer? And she told me 70 percent—let me say that again—70 percent of the children in this elementary school are homeless. They are living on the streets with their parents. They are living in cars. They do not have a stable home. If they don't have a stable home, I'll bet you dollars to doughnuts that they haven't got anything to eat.

This program, this pilot program that Congresswoman DINA TITUS has introduced, would provide a 5-year pilot that would provide commodities to eligible institutions, such as schools and food banks, to carry out projects

that provide nutritious food to at-risk schoolchildren over the weekend and school holidays.

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

Mr. SABLAN. I yield the gentlewoman an additional 1 minute.

Ms. BERKLEY. It is incomprehensible to me that in a country of such wealth and great abundance that we have literally hundreds of thousands, if not millions, of children going to bed hungry and having to depend on their schools in order to get anything to eat. This school backpack program that provides children with food to take home over the weekend is going to be the difference between their survival and not. I cannot tell you how much I admire DINA TITUS for introducing this. I wish I'd thought of it myself.

Let us pass this bill, and let's pass it fast.

I rise today in support of H.R. 5012, the Weekends Without Hunger Act. I want to thank Congresswoman TITUS for introducing this important piece of legislation.

Across the country, almost one out of every four children is at risk of going hungry. Many of these children depend on school meals as their main source of food throughout the week. While school meals help provide low-income children with nourishing meals when school is in session, there is currently no targeted federal child nutrition program available to provide these children with food during the weekend or extended holidays when they do not have access to school meals.

In my home State of Nevada, Three Square Food Bank has been addressing weekend hunger since 2008 with its Backpacks for Kids program. The program provides a bag of kid-friendly, shelf-stable foods to children who lack adequate food over the weekend. Every week during the 2009–10 school-year, Three Square provided weekend bags to more than 4,800 at-risk children in 187 Clark County schools, both public and private.

Congresswoman TITUS' bill builds on the important work that food banks and others are doing across the country. This legislation would establish a five-year pilot program that would provide commodities to eligible institutions, such as schools and food banks, to carry out projects that provide nutritious food to at-risk school children over the weekend and school holidays during the school year.

It is vital that Congress continue to make investments to increase low-income children's access to nutrition programs, especially during weekends and summers.

Mr. CONYERS. Mr. Speaker, I rise in support of H.R. 5012, the "Weekends Without Hunger Act." This important legislation will amend the Richard B. Russell National School Lunch Act to ensure that low income children who rely on school meal programs during the week have access to meals on weekends and long school holidays. By filling these gap periods, this bill will ensure that children return to school healthy and equipped with the necessary levels of nutrition to learn on Monday mornings.

Last week, the House successfully passed a reauthorization of the child nutrition programs which improves nutrition and access to school meals. However, that legislation does not provide meals for our children when they are out of school. Far too many children suffer from food shortages and lack of nutritional meals at home during weekends and school holidays. Food insecurity is steadily rising. Although food banks and community providers successfully operate weekend meal programs for low income children, their funding is insufficient to sustain an increase in demand. I believe that our country will eventually recover from these tough economic times. Until then, we are obligated to provide for our children. Therefore, it is necessary that we supply funding to local existing efforts that provide these nutritional weekend or school break meals and expand these programs in more communities. We must make every effort to ensure that that no child goes hungry when they are out of school. I therefore urge my colleagues to support the bill.

Ms. FUDGE. Mr. Speaker, I urge my fellow members of Congress to vote for H.R. 5012, the Weekends Without Hunger Act, and support the millions of children facing food insecurity. The bill directs the Secretary of Agriculture to implement a five-year pilot program to provide food commodities to nonprofits, which would, in turn, distribute those goods to children in need before weekends and extended holidays. In short, this program ensures that children do not go hungry when they are not in school.

This pilot program is modeled from the successful Food for Kids program developed by the nonprofit Arkansas Rice Depot. The concept for the program originated when a school nurse asked for help because she began seeing hungry students with stomachaches and dizziness. The local food bank began to send school children home with groceries in nondescript backpacks. In 2009, more than 140 Feeding America member food banks operated more than 3,600 BackPack for Kids Programs and served more than 190,000 children.

In my hometown, the Cleveland Foodbank adopted the program, BackPack for Kids, in 2005. Each week, food bank volunteers pack six wholesome, child friendly meals per student into plastic bags, and then cases are delivered to partner sites. The Foodbank protects kids' confidentiality by packaging the food in unmarked, non-descript backpacks. This approach is having a profound effect. In 2009, the Cleveland Foodbank distributed 45,666 backpacks to many of the 3,036 homeless children who live in Ohio's Eleventh Congressional District as well as other children whose families are in tough financial times. The Cleveland Foodbank is touching thousands of families and impacting the educational success of thousands of children in Northeast Ohio through the BackPack for Kids program. It is doing phenomenal work.

Imagine how many more children could be served through this commodity program. I implore the House to pass the Weekends Without Hunger Act because kids in need are guilty of nothing more than being born to low-income parents for which they should not be punished. In Cuyahoga County, 32 percent of children rely on food stamps to eat. Allowing any of these kids in my district to go hungry is simply unacceptable. The fact is they face a particularly high risk of hunger when they are not being fed through existing school programs. This bill presents a unique opportunity to help the neediest of children by giving them the security of knowing where their next meal will come from, a sentiment so basic that many of us take it for granted.

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

Mr. SABLAN. Mr. Speaker, I ask for support on H.R. 5012, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. COSTA). The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, H.R. 5012, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "To amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year."

A motion to reconsider was laid on the table.

CAPTA REAUTHORIZATION ACT OF 2010

Mr. SABLAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3817) to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "CAPTA Reauthorization Act of 2010".

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) in fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "and close to ⅓ of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone" after "maltreatment"; and

(B) in subparagraph (B)—

(i) by striking "60 percent" and inserting "71 percent";

(ii) by striking "2001" and inserting "fiscal year 2008";

(iii) by striking "19 percent" and inserting "16 percent";

(iv) by striking "10 percent" and inserting "9 percent"; and

(v) by striking "and 7 percent suffered emotional maltreatment" and inserting ", 7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment";

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting ''or neglect'' after ''abuse'';

(B) in subparagraph (B), by striking ''2001, an estimated 1,300'' and inserting ''fiscal year 2008, an estimated 1,740''; and

(C) in subparagraph (C)—

(i) by inserting ''in fiscal year 2008,'' after ''(C)'';

(ii) by striking ''41 percent'' and inserting ''45 percent'';

(iii) by striking ''85 percent'' and inserting ''72 percent'';

(iv) by striking ''6 years'' and inserting ''4 years''; and

(v) by striking ''abuse'' each place it appears and inserting ''maltreatment'';

(4) in paragraph (4)(B), by striking ''slightly'' and all that follows and inserting ''approximately 37 percent of victims of child abuse did not receive post-investigation services in fiscal year 2008;'';

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

''(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;'';

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting ''domestic violence services,'' after ''mental health,''; and

(B) by amending subparagraph (E) to read as follows:

''(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;'';

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

''(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;'';

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking ''Federal government'' and inserting ''Federal Government''; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting ''and'' at the end.

Subtitle A—General Program

SEC. 111. ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''medicine (including pediatrics)'' and inserting ''health care providers (including pediatricians)'';

(B) in paragraph (12), by striking ''and'';

(C) in paragraph (13), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(14) Indian tribes or tribal organizations.''; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting ''tribal,'' after ''State,'' each place such term appears; and

(B) in paragraph (2)—

(i) by striking ''abuse or neglect which'' and inserting ''child abuse or neglect which''; and

(ii) by striking ''Federal and State'' and inserting ''Federal, State, and tribal''.

SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting ''and neglect'' before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

''(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

''(3) maintain and disseminate information on best practices relating to differential response;'';

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting ''and disseminate'' after ''maintain'';

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting ''(42 U.S.C. 5105 note)'' before the semicolon; and

(ii) in subparagraph (C), by striking ''alcohol or drug'' and inserting ''substance'';

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking ''and'' at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking ''and child welfare personnel.'' and inserting ''child welfare, substance abuse treatment services, and domestic violence services personnel; and''; and

(G) by adding at the end the following:

''(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.''; and

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

''(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;'';

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting ''tribal,'' after ''State,'';

(ii) in clause (i), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

''(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;''; and

(C) in subparagraph (F), by striking ''abused or neglected children'' and inserting ''victims of child abuse or neglect''.

SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''from abuse or neglect and to improve the well-being of abused or neglected children'' and inserting ''from child abuse or neglect and to improve the well-being of victims of child abuse or neglect'';

(B) in subparagraph (B), by striking ''abuse and neglect on'' and inserting ''child abuse and neglect on'';

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

''(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;'';

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting ''and neglect'' before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting '', including best practices to meet the needs of special populations,'' after ''best practices''; and

(ii) by striking ''(12)'' and inserting ''(14)'';

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

''(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

''(i) the child protective service system; and

''(ii)(I) the medical community, including providers of mental health and developmental disability services; and

''(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;'';

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

''(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;'';

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking ''low income'' and inserting ''low-income'';

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

''(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

''(L) the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;

''(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;'';

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking ''clauses (i) through (xi) of subparagraph (H)'' and inserting ''clauses (i) through (x) of subparagraph (O)''; and

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph—

(i) in clauses (i) and (ii), by inserting ''and neglect'' after ''abuse'';

(ii) in clause (v), by striking ''child abuse have'' and inserting ''child abuse and neglect have'';

(iii) by striking ''and'' at the end of clause (ix);

(iv) by redesignating clause (x) as clause (xi);

(v) by inserting after clause (ix), the following:

''(x) the extent to which reports of suspected or known instances of child abuse or neglect involving a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal, are being screened out solely on the basis of the cross-jurisdictional complications; and''; and

(vi) in clause (xi), as redesignated by clause (iv), by striking ''abuse'' and inserting ''child abuse and neglect''; and

(2) in paragraph (2), by striking ''subparagraphs'' and all that follows and inserting ''clauses (i) through (xi) of paragraph (1)(O).'';

(3) in paragraph (3), by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010'';

(4) in paragraph (4)—

(A) by striking ''(A) The'' and inserting the following:

''(A) IN GENERAL.—The''; and

(B) in subparagraph (B)—

(i) by striking all that precedes ''later'' and inserting the following:

''(B) PUBLIC COMMENT.—Not'';

(ii) by striking ''than 2'' and inserting ''than 1''; and

(iii) by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010''; and

(5) by adding at the end the following:

''(4) STUDY ON SHAKEN BABY SYNDROME.—The Secretary shall conduct a study that—

''(A) identifies data collected on shaken baby syndrome;

''(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

''(i) incidence rates of shaken baby syndrome;

''(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

''(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.''.

(b) TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting ''and providers of mental health, substance abuse treatment, and domestic violence prevention services'' after ''disabilities''; and

(2) in paragraph (3)(B)—

(A) by striking ''and child welfare personnel'' and inserting ''child welfare, substance abuse, and domestic violence services personnel''; and

(B) by striking ''subjected to abuse.'' and inserting ''subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.''.

(c) PEER REVIEW FOR GRANTS AND CONTRACTS.—Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) MEMBERS.—In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

''(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

''(ii) are not individuals who are officers or employees of the Administration for Children and Families.

''(C) MEETINGS.—The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

''(D) CRITERIA AND GUIDELINES.—The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.''; and

(2) in paragraph (3)—

(A) by striking ''(A) The'' and inserting the following:

''(A) MERITORIOUS PROJECTS.—The''; and

(B) in subparagraph (B), by striking all that precedes ''the instance'' and inserting the following:

''(B) EXPLANATION.—In''.

(d) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''States or'' and inserting ''entities that are States, Indian tribes or tribal organizations, or''; and

(B) by striking ''such agencies or organizations'' and inserting ''such entities'';

(2) in paragraph (1)(B), by striking ''safely facilitate the'' and inserting ''facilitate the safe''; and

(3) in paragraph (2)—

(A) by inserting ''child care and early childhood education and care providers,'' after ''in cooperation with''; and

(B) by striking ''preschool'' and inserting ''preschools,''.

SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

*(1) in the heading, by striking ''STATES'' and inserting ''**STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS,**''*

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''States,'' and inserting ''entities that are States, Indian tribes or tribal organizations, or''; and

(ii) by striking ''such agencies or organizations'' and inserting ''such entities'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''this section'' and inserting ''this subsection'';

(ii) in subparagraph (A)—

(I) by inserting ''health care,'' before ''medicine,'';

(II) by inserting ''child care,'' after ''education,''; and

(III) by inserting ''and neglect'' before the semicolon;

(iii) in subparagraph (B), by inserting a comma after ''youth'';

(iv) in subparagraph (D)—

(I) by striking ''support the enhancement of linkages between'' and inserting ''enhance linkages among'';

(II) by striking ''including physical'' and all that follows through ''partnerships'' and inserting ''entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships''; and

(III) by striking ''offer creative approaches to using'' and inserting ''support the coordinated use of'';

(v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;

(vi) by inserting after subparagraph (D) the following:

''(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;'';

(vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:

''(H) for the training of personnel in childhood development including the unique needs of children under age 3;'';

(viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking ''and other public and private welfare agencies'' and inserting ''other public and private welfare agencies, and agencies that provide early intervention services'';

(ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking ''and'' at the end;

(x) in subparagraph (L), as redesignated by clause (v) of this subparagraph—

(I) by striking ''disabled infants'' each place it appears and inserting ''infants or toddlers with disabilities''; and

(II) by striking the period and inserting ''; and''; and

(xi) by adding at the end the following:

''(M) for the training of personnel in best practices relating to the provision of differential response.'';

(C) in paragraph (2)(C), by striking ''where'' and inserting ''when'';

(D) in paragraph (3), by inserting '', leadership,'' after ''mutual support'';

(E) in paragraph (4), by striking all that precedes ''Secretary'' and inserting the following:

''(4) KINSHIP CARE.—The'';

(F) in paragraph (4), by striking ''in not more than 10 States'';

(G) in paragraph (5)—

(i) in the paragraph heading—

(I) by striking ''BETWEEN'' and inserting ''AMONG''; and

(II) by striking ''AND DEVELOPMENTAL DISABILITIES'' and inserting ''SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE'';

(ii) by striking ''between'' and inserting ''among'';

(iii) by striking ''mental health'' and all that follows through '', for'' and inserting ''mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for''; and

(iv) by striking ''help assure'' and inserting ''ensure''; and

(H) by inserting after paragraph (5) the following:

''(6) COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES.—The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.''; and

(3) in subsection (b)(4)—

(A) in subparagraph (A)(ii), by striking ''neglected or abused'' and inserting ''victims of child abuse or neglect'';

(B) in subparagraphs (B)(ii) and (C)(iii), by striking ''abuse or neglect'' and inserting ''child abuse and neglect'';

(C) in subparagraph (C)(iii), by striking ''been neglected or abused'' and inserting ''been a victim of child abuse or neglect''; and

(D) in subparagraph (D), by striking ''a'' after ''grantee is'' and inserting ''an''.

SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) SECTION HEADING.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

''SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.''.

(b) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''based on'' and all that follows through ''18 in'' and inserting ''from allotments made under subsection (f) for'';

(2) in paragraph (1), by striking ''abuse and neglect'' and inserting ''child abuse or neglect'';

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting '', intra-agency, interstate, and intrastate'' after ''interagency''; and

(B) in subparagraph (B)(i), by striking ''abuse and neglect'' and inserting ''child abuse or neglect'';

(4) in paragraph (4), by inserting '', including the use of differential response'' after ''protocols'';

(5) in paragraph (6)—

(A) in subparagraph (A) by inserting '', including the use of differential response,'' after ''strategies'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking ''workers'' and all that follows and inserting ''workers; and''; and

(D) by adding at the end the following:

''(D) training in early childhood, child, and adolescent development;'';

(6) by striking paragraphs (8) and (9) and inserting the following:

''(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;'';

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(D) the use of differential response in preventing child abuse and neglect;'';

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting '', including the use of differential response'' before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking ''or'' at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection—

(A) by striking ''supporting and enhancing'' and all that follows through ''community-based programs'' and inserting ''supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—'';

(B) by striking ''to provide'' and inserting the following:

''(A) to provide'';

(C) by striking ''systems) and'' and inserting ''systems), and the use of differential response; and'';

(D) by striking ''to address'' and inserting the following:

''(B) to address'';

(E) by striking ''abused or neglected'' and inserting ''victims of child abuse or neglect;''and

(F) by striking the period at the end and inserting ''; or''; and

(12) by adding at the end the following:

''(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

''(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

''(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.''.

(c) ELIGIBILITY REQUIREMENTS.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) STATE PLAN.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

''(B) DURATION OF PLAN.—Each State plan shall—

''(i) remain in effect for the duration of the State's participation under this section; and

''(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State's strategies and programs under this section.

''(C) ADDITIONAL INFORMATION.—The State shall provide notice to the Secretary—

''(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

''(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

''(2) CONTENTS.—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

''(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;'';

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding clause (i)—

(I) by striking ''chief executive officer'' and inserting ''Governor''; and

(II) by striking ''Statewide'' and inserting ''statewide'';

(ii) by amending clause (i) to read as follows:

''(i) provisions or procedures for an individual to report known and suspected instances of child abuse and neglect, including a State law for mandatory reporting by individuals required to report such instances;'';

(iii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by inserting ''with'' after ''born''; and

(bb) by inserting ''or a Fetal Alcohol Spectrum Disorder,'' after ''drug exposure,''; and

(II) in subclause (I), by inserting ''or neglect'' before the semicolon;

(iv) in clause (iii), by inserting '', or a Fetal Alcohol Spectrum Disorder'' before the semicolon;

(v) in clause (v), by inserting '', including the use of differential response,'' after ''procedures'';

(vi) in clause (vi)—

(I) by striking ''the abused or neglected child'' and inserting ''a victim of child abuse or neglect''; and

(II) by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(vii) in clause (ix), by striking ''abuse and neglect'' and inserting ''child abuse and neglect'';

(viii) in clause (xi), by striking ''or neglect'' and inserting ''and neglect'';

(ix) in clause (xiii)—

(I) by striking ''an abused or neglected child'' and inserting ''a victim of child abuse or neglect''; and

(II) by inserting ''including training in early childhood, child, and adolescent development,'' after ''to the role,'';

(x) in clause (xv)(II), by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(xi) in clause (xviii), by striking ''abuse and'' and inserting ''abuse or'';

(xii) in clause (xvi)—

(I) in subclause (III), by striking ''; or'' and inserting '';''; and

(II) by adding at the end the following:

''(V) to have committed sexual abuse against the surviving child or another child of such parent; or

''(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));'';

(xiii) in clause (xxi), by striking ''Act; and'' and inserting ''Act (20 U.S.C. 1431 et seq.);'';

(xiv) in clause (xxii)—

(I) by striking ''not later'' through ''2003,'';

(II) by inserting ''that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))'' after ''checks''; and

(III) by adding ''and'' at the end; and

(xv) by adding at the end the following:

''(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;'';

(D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) by striking ''disabled infants with'' each place it appears and inserting ''infants with disabilities who have''; and

(ii) in clause (iii), by striking ''life threatening'' and inserting ''life-threatening'';

(E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (ii), by striking ''and'' at the end;

(ii) in clause (iii), by striking ''and'' at the end;

(iii) by adding at the end the following:

''(iv) policies and procedures encouraging the appropriate involvement of families in decision-making pertaining to children who experienced child abuse or neglect;

''(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

''(vi) policies and procedures regarding the use of differential response, as applicable;'';

(F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph—

(i) by inserting ''(42 U.S.C. 621 et seq.)'' after ''Act''; and

(ii) by striking the period at the end and inserting a semicolon;

(G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:

''(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

''(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.''; and

(H) in the last sentence, by striking ''subparagraph (A)'' and inserting ''subparagraph (B)''; and

(3) in paragraph (3), by striking ''paragraph (2)(A)'' and inserting ''paragraph (2)(B)''.

(d) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (2), by inserting before the period the following: '', *and may include adult former victims of child abuse or neglect''; and*

(2) in paragraph (4)(A)(iii)(I), by inserting ''(42 U.S.C. 670 et seq.)'' before the semicolon.

(e) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(1) in paragraph (1), by striking ''as abused or neglected'' and inserting ''as victims of child abuse or neglect'';

(2) in paragraph (4), by inserting '', *including use of differential response,'' after ''services'';*

(3) by striking paragraph (7) and inserting the following:

''(7)(A) The number of child protective service personnel responsible for the—

''(i) intake of reports filed in the previous year;

''(ii) screening of such reports;

''(iii) assessment of such reports; and

''(iv) investigation of such reports.

''(B) The average caseload for the workers described in subparagraph (A).'';

(4) in paragraph (9), by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(5) by striking paragraph (10) and inserting the following:

''(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

''(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

''(B) data on the education, qualifications, and training of such personnel;

''(C) demographic information of the child protective service personnel; and

''(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.'';

(6) in paragraph (11), by striking ''and neglect'' and inserting ''or neglect''; and

(7) by adding at the end the following:

''(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

''(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).''.

(f) ANNUAL REPORT.—Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting ''and neglect'' before the period.

(g) FORMULA.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

''(f) ALLOTMENTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FISCAL YEAR 2009 GRANT FUNDS.—The term 'fiscal year 2009 grant funds' means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

''(B) GRANT FUNDS.—The term 'grant funds' means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

''(C) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(D) TERRITORY.—The term 'territory' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

''(A) $50,000; and

''(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received $50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

''(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

''(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

''(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

''(i) $100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000 but less than $2,000,000;

''(ii) $125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $2,000,000 but less than $3,000,000; and

''(iii) $150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $3,000,000.

''(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

''(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.''.

SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

''(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;'';

(B) in paragraph (3), by striking ''particularly'' and inserting ''including''; and

(C) in paragraph (4)—

(i) by striking ''the handling'' and inserting ''the assessment and investigation''; and

(ii) by striking ''victims of abuse'' and inserting ''suspected victims of child abuse'';

(2) in subsection (b)(1), by striking ''section 107(b)'' and inserting ''section 106(b)'';

(3) in subsection (c)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(I) adult former victims of child abuse or neglect; and

''(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).'';

(4) in subsection (d)(1)—

(A) by striking ''particularly'' and inserting ''including''; and

(B) by inserting ''intrastate,'' before ''interstate'';

(5) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by striking ''particularly'' and inserting ''including''; and

(ii) by inserting ''intrastate,'' before ''interstate'';

(B) in subparagraph (B)—

(i) by inserting a comma after ''model''; and

(ii) by striking ''improve the rate'' and all that follows through ''child sexual abuse cases'' and inserting the following: ''improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children''; and

(C) in subparagraph (C)—

(i) by inserting a comma after ''protocols'';

(ii) by inserting '', *which may include those children involved in reports of child abuse or neglect with a potential combination of jurisdictions, such as intrastate, interstate, Federal-State, and State-Tribal,'' after ''protection for children'';*

(iii) by striking ''from abuse'' and inserting ''from child abuse and neglect''; and

(iv) by striking ''particularly'' and inserting ''including''; and

(6) in subsection (f), by inserting ''(42 U.S.C. 10603a)'' after ''1984''.

SEC. 117. MISCELLANEOUS REQUIREMENTS.

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to—

''(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

''(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.''.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

''(a) COORDINATION EFFORTS.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

''(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than 2 years

after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.''.

(b) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—Section 110(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f(c)) is amended to read as follows:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) IN GENERAL.—The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—

''(A) examining the policies, procedures, and practices of State and local child protection agencies; and

''(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).

''(2) CONTENT OF STUDY.—The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

''(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

''(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

''(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

''(3) REPORT.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).''.

(c) STUDY AND REPORT RELATING TO IMMUNITY FROM PROSECUTION FOR PROFESSIONAL CONSULTATION IN SUSPECTED AND KNOWN INSTANCES OF CHILD ABUSE AND NEGLECT.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

''(d) STUDY AND REPORT RELATING TO IMMUNITY FROM PROSECUTION FOR PROFESSIONAL CONSULTATION IN SUSPECTED AND KNOWN INSTANCES OF CHILD ABUSE AND NEGLECT.—

''(1) STUDY.—The Secretary shall complete a study, in consultation with experts in the provision of healthcare, law enforcement, education, and local child welfare administration, that examines how provisions for immunity from prosecution under State and local laws and regulations facilitate and inhibit individuals cooperating, consulting, or assisting in making good faith reports, including mandatory reports, of suspected or known instances of child abuse or neglect.

''(2) REPORT.—Not later than 1 year after the date of the enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1) and any recommendations for statutory or regulatory changes the Secretary determines appropriate. Such report may be submitted electronically.''.

SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(1) in paragraph (5)—

(A) by inserting ''except as provided in section 106(f),'' after ''(5)'';

(B) by inserting ''and'' after ''Samoa,''; and

(C) by striking ''and the Trust Territory of the Pacific Islands'';

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) the term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

''(8) the term 'infant or toddler with a disability' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

''(9) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(10) the term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

''(11) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended—

(1) by striking ''2004'' and inserting ''2010''; and

(2) by striking ''2005 through 2008'' and inserting ''2011 through 2015''.

SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking ''abuse or neglect'' and inserting ''child abuse or neglect''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse or Neglect

SEC. 131. TITLE HEADING.

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

SEC. 132. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''hereafter'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting a comma after ''expanding''; and

(II) by striking ''(through networks where appropriate)'';

(ii) in subparagraph (E), by inserting before the semicolon the following: '', including access to such resources and opportunities for unaccompanied homeless youth''; and

(iii) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and'';

(C) in paragraph (2), by inserting after ''children and families'' the following: '', including unaccompanied homeless youth,'';

(D) in paragraph (3)—

(i) by inserting ''substance abuse treatment services, domestic violence services,'' after ''mental health services,'';

(ii) by striking ''family resource and support program'' and inserting ''community-based child abuse and neglect prevention program''; and

(iii) by striking ''community-based family resource and support program'' and inserting ''community-based child abuse and neglect prevention programs''; and

(E) in paragraph (4)—

(i) by inserting ''and reporting'' after ''information management'';

(ii) by striking the comma after ''prevention-focused''; and

(iii) by striking ''(through networks where appropriate)''.

SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) by striking ''chief executive officer'' each place it appears and inserting ''Governor''; and

(B) by inserting a comma after ''enhance'';

(2) in paragraphs (1), (2), and (3), by striking ''(through networks where appropriate)'' each place it appears;

(3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking ''chief executive officer'' and inserting ''Governor''; and

(4) in paragraph (2)—

(A) in subparagraphs (A) and (B), by inserting ''adult former victims of child abuse or neglect,'' after ''parents,''; and

(B) in subparagraph (C), by inserting a comma after ''State''.

SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))—

(1) in subparagraph (A), by striking all that precedes ''70'' and inserting the following:

''(A) 70 PERCENT.—''; and

(2) in subparagraph (B), by striking all that precedes ''30'' and inserting the following:

''(B) 30 PERCENT.—''.

SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1) and (2), by striking ''(through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''and how family resource and support'' and inserting '', including how community-based child abuse and neglect prevention''; and

(B) by striking ''services provided'' and inserting ''programs provided'';

(3) in paragraph (4), by inserting a comma after ''operation'';

(4) in paragraph (6)—

(A) by striking ''an assurance that the State has the'' and inserting ''a description of the State's''; and

(B) by striking ''consumers and'' and inserting ''consumers, of family advocates, and of adult former victims of child abuse or neglect,'';

(5) in paragraph (7), by inserting a comma after ''expansion'';

(6) in paragraph (8)—

(A) by striking ''and activities''; and

(B) by inserting after ''homelessness,'' the following: ''unaccompanied homeless youth,'';

(7) in paragraph (9), by inserting a comma after ''training''; and

(8) in paragraph (11), by inserting a comma after ''procedures''.

SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting a comma after ''expand'';

(2) in paragraph (1)—

(A) by striking ''parents and'' and inserting ''parents,''; and

(B) by inserting ''in meaningful roles'' before the semicolon;

(3) in paragraph (2)—

(A) by striking ''a strategy to provide, over time,'' and inserting ''a comprehensive strategy to provide'';

(B) by striking ''family centered'' and inserting ''family-centered''; and

(C) by striking ''and parents with young children,'' and inserting '', to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,'';

(4) in paragraph (3)—

(A) by striking all that precedes subparagraph (C) and inserting the following:

''(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—

''(i) parent education, mutual support and self help, and parent leadership services;

''(ii) respite care services;

''(iii) outreach and followup services, which may include voluntary home visiting services; and

''(iv) community and social service referrals; and''; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking ''(C)'' and inserting ''(B) provide'';

(ii) by striking clause (ii) and inserting the following:

''(ii) child care, early childhood education and care, and intervention services;'';

(iii) in clause (iii), by inserting ''and parents who are individuals with disabilities'' before the semicolon;

(iv) in clause (v), by striking ''scholastic tutoring'' and inserting ''academic tutoring'';

(v) in clause (vii), by striking ''and'' after the semicolon;

(vi) in clause (viii), by adding ''and'' after the semicolon;

(vii) by adding at the end the following:

''(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.''; and

(viii) in clause (v), by striking ''scholastic tutoring'' and inserting ''academic tutoring'';

(5) in paragraph (5), by striking ''family resource and support program'' and inserting ''child abuse and neglect prevention program''; and

(6) in paragraph (6), by inserting a comma after ''operation''.

(b) TECHNICAL AMENDMENT.—Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended—

(1) by striking ''low income'' and inserting ''low-income''; and

(2) by striking ''family resource and support programs'' and inserting ''child abuse and neglect prevention programs.''.

SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5119f) is amended—

(1) in paragraph (1), by inserting a comma after ''operation'';

(2) in paragraph (2), by inserting ''which description shall specify whether those services are supported by research'' after ''section 202'';

(3) in paragraph (4)—

(A) by striking ''section 205(3)'' and inserting ''section 204(3)''; and

(B) by inserting a comma after ''operation'';

(4) in paragraph (6)—

(A) by inserting a comma after ''local''; and

(B) by inserting a comma after ''expansion''; and

(5) in paragraph (7), by striking ''the results'' and all that follows and inserting ''the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and''.

SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended—

(1) in paragraph (1), by inserting a comma after ''operate'';

(2) in paragraph (2), by inserting a comma after ''operate''; and

(3) in paragraph (4), by inserting a comma after ''operate''.

SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting '', including the services of crisis nurseries,'' after ''short term care services'';

(B) in subparagraphs (A) and (B), by striking ''abuse or neglect'' and inserting ''child abuse or neglect''; and

(C) in subparagraph (C), by striking ''have'' and all that follows and inserting ''have disabilities or chronic or terminal illnesses.''.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended—

(1) by striking ''2004'' and inserting ''2010''; and

(2) by striking ''2005 through 2008'' and inserting ''2011 through 2015''.

SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 142. TRANSFER OF DEFINITIONS.

(a) GENERAL DEFINITIONS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

''SEC. 3. GENERAL DEFINITIONS.

''In this Act—

''(1) the term 'child' means a person who has not attained the lesser of—

''(A) the age of 18; or

''(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

''(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

''(3) the term 'child with a disability' means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

''(4) the term 'Governor' means the chief executive officer of a State;

''(5) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(6) the term 'Secretary' means the Secretary of Health and Human Services;

''(7) except as provided in section 106(f), the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

''(8) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

(b) CONFORMING AMENDMENTS.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended—

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(4) in paragraph (4), by adding ''and'' at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C—Conforming Amendments

SEC. 151. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the item relating to section 2 the following:

''Sec. 3. General definitions.'';

(2) by amending the item relating to section 105 to read as follows:

''Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.'';

(3) by amending the item relating to section 106 to read as follows:

''Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.'';

(4) by striking the item relating to the title heading of title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT'';

and

(5) by striking the items relating to sections 204 through 210 and inserting the following:

''Sec. 204. Application.
''Sec. 205. Local program requirements.
''Sec. 206. Performance measures.
''Sec. 207. National network for community-based family resource programs.
''Sec. 208. Definitions.
''Sec. 209. Authorization of appropriations.''.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

''TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

''SEC. 301. SHORT TITLE; PURPOSE.

''(a) SHORT TITLE.—This title may be cited as the 'Family Violence Prevention and Services Act'.

''(b) PURPOSE.—It is the purpose of this title to—

''(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

''(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

''(3) provide for a national domestic violence hotline;

''(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

''SEC. 302. DEFINITIONS.

''In this title:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(2) DATING VIOLENCE.—The term 'dating violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(3) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(4) FAMILY VIOLENCE.—The term 'family violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

''(A) results or threatens to result in physical injury; and

''(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

''(i) is related by blood;

''(ii) is or was related by marriage or is or was otherwise legally related; or

''(iii) is or was lawfully residing.

''(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

''(7) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(9) SHELTER.—The term 'shelter' means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

''(10) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(11) STATE DOMESTIC VIOLENCE COALITION.—The term 'State Domestic Violence Coalition' means a statewide nongovernmental nonprofit private domestic violence organization that—

''(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

''(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

''(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

''(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of polices, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

''(12) SUPPORTIVE SERVICES.—The term 'supportive services' means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

''(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

''(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

''(13) TRIBALLY DESIGNATED OFFICIAL.—The term 'tribally designated official' means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.

''(14) UNDERSERVED POPULATIONS.—The term 'underserved populations' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a).

''SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

''(a) FORMULA GRANTS TO STATES.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out sections 301 through 312, $175,000,000 for each of fiscal years 2011 through 2015.

''(2) ALLOCATIONS.—

''(A) FORMULA GRANTS TO STATES.—

''(i) RESERVATION OF FUNDS.—For any fiscal year for which the amounts appropriated under paragraph (1) exceed $130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

''(ii) FORMULA GRANTS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

''(B) GRANTS TO TRIBES.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

''(C) TECHNICAL ASSISTANCE AND TRAINING CENTERS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

''(D) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

''(E) ADMINISTRATION, EVALUATION AND MONITORING.—Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

''(b) NATIONAL DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313 $3,500,000 for each of fiscal years 2011 through 2015.

''(c) DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.—There is authorized to be appropriated to carry out section 314 $6,000,000 for each of fiscal years 2011 through 2015.

''SEC. 304. AUTHORITY OF SECRETARY.

''(a) AUTHORITIES.—In order to carry out the provisions of this title, the Secretary is authorized to—

''(1) appoint and fix the compensation of such personnel as are necessary;

''(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

''(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

''(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

''(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

''(b) ADMINISTRATION.—The Secretary shall—

''(1) assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

''(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

''(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

''(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

''(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

''(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

''(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

''(c) REPORTS.—Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on

Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

"SEC. 305. ALLOTMENT OF FUNDS.

''(a) IN GENERAL.—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

''(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

''(2) each State shall be allotted for a grant under section 306(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

''(b) POPULATION.—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

''(c) RATABLE REDUCTION.—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

''(d) REALLOTMENT.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallot such amount to States that meet such requirements.

''(e) CONTINUED AVAILABILITY OF FUNDS.—All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a), shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

''(f) DEFINITION.—In subsection (a)(2), the term 'State' does not include any jurisdiction specified in subsection (a)(1).

"SEC. 306. FORMULA GRANTS TO STATES.

''(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

''(1) to prevent incidents of family violence, domestic violence, and dating violence;

''(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

''(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

''(b) ADMINISTRATIVE EXPENSES.—

''(1) ADMINISTRATIVE COSTS.—Each State may use not more than 5 percent of the grant funds for State administrative costs.

''(2) SUBGRANTS TO ELIGIBLE ENTITIES.—The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

''(c) GRANT CONDITIONS.—

''(1) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

''(2) DISCRIMINATION PROHIBITED.—

''(A) APPLICATION OF CIVIL RIGHTS PROVISIONS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

''(B) PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.—

''(i) IN GENERAL.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

''(ii) ENFORCEMENT.—The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act (42 U.S.C. 2000d–2) shall apply with respect to any action taken by the Secretary to enforce such clause.

''(iii) CONSTRUCTION.—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

''(C) ENFORCEMENT AUTHORITIES OF SECRETARY.—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

''(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

''(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

''(iii) take such other action as may be provided by law.

''(D) ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

''(3) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

''(4) MATCH.—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for every $5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

''(5) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

''(B) NONDISCLOSURE.—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

''(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

''(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

''(I) shall be given by—

''(aa) the person, except as provided in item (bb) or (cc);

''(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

''(cc) in the case of an individual with a guardian, the individual's guardian; and

''(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

''(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

''(F) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

''(G) PREEMPTION.—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

''(H) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

''(6) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

''(d) REPORTS AND EVALUATION.—Each grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 309, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 307. STATE APPLICATION.

''(a) APPLICATION.—

''(1) IN GENERAL.—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(2) CONTENTS.—Each such application shall—

''(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

''(B) provide, with respect to funds described in paragraph (1), assurances that—

''(i) not more than 5 percent of such funds will be used for administrative costs;

''(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

''(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

''(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

''(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

''(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

''(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

''(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

''(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

''(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

''(H) provide an assurance that the State or Indian tribe has a law or procedure to bar an abuser from a shared household or a household of the abused person, which may include eviction laws or procedures, where appropriate; and

''(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

''(b) APPROVAL OF APPLICATION.—

''(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

''(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

''(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

''(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

''SEC. 308. SUBGRANTS AND USES OF FUNDS.

''(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, that is designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

''(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

''(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

''(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

''(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

''(E) provision of culturally and linguistically appropriate services;

''(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;

''(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

''(i) assistance in accessing related Federal and State financial assistance programs;

''(ii) legal advocacy to assist victims and their dependents;

''(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

''(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

''(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education,

financial planning, and related economic empowerment services; and

''(vi) parenting and other educational services for victims and their dependents; and

''(H) prevention services, including outreach to underserved populations.

''(2) SHELTER AND SUPPORTIVE SERVICES.—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a subgrant from a State under this section, an entity shall be—

''(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

''(2) a partnership of 2 or more agencies or organizations that includes—

''(A) an agency or organization described in paragraph (1); and

''(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

''(d) CONDITIONS.—

''(1) DIRECT PAYMENTS TO VICTIMS OR DEPENDANTS.—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

''(2) VOLUNTARILY ACCEPTED SERVICES.—Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

"SEC. 309. GRANTS FOR INDIAN TRIBES.

''(a) GRANTS AUTHORIZED.—The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

''(c) CONDITIONS.—Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

''(d) GRANTEE APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

''(e) USE OF FUNDS.—An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

"SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

''(a) PURPOSE AND GRANTS AUTHORIZED.—

''(1) PURPOSE.—The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

''(2) GRANTS AUTHORIZED.—From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—

''(A) shall award grants to eligible entities for the establishment and maintenance of—

''(i) 2 national resource centers (as provided for in subsection (b)(1)); and

''(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

''(B) may award grants, to—

''(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

''(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

''(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—

''(1) NATIONAL RESOURCE CENTERS.—In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

''(A) a National Resource Center on Domestic Violence, which shall—

''(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

''(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

''(I) the incidence and prevention of family violence and domestic violence; and

''(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

''(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

''(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42. U.S.C. 3796gg–10 note); and

''(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

''(2) SPECIAL ISSUE RESOURCE CENTERS.—In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

''(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

''(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

''(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

''(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

''(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

''(3) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—

''(A) IN GENERAL.—In accordance with subsection (a)(2), the Secretary may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

''(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—

''(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

''(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

''(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

''(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

''(B) includes on the entity's advisory board representatives who are from domestic violence

service programs and who are geographically and culturally diverse; and

''(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

''(2) NATIONAL INDIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

''(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

''(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

''(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

''(3) SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

''(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

''(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

''(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

''(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

''(4) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—To be eligible to receive a grant under subsection (b)(3), an entity shall—

''(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

''(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

''(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

''(d) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

''(a) GRANTS.—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

''(b) ALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to 1/56 of the amount so appropriated for such fiscal year.

''(2) DEFINITION.—For purposes of this subsection, the term 'covered territories' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(c) APPLICATION.—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, satisfactory to the Secretary, demonstrating that the coalition—

''(1) meets all of the applicable requirements set forth in this title; and

''(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

''(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

''(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

''(d) USE OF FUNDS.—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

''(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

''(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

''(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

''(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

''(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

''(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

''(A) family violence, domestic violence, or dating violence is present; and

''(B) child abuse is present;

''(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

''(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

''(e) LIMITATION ON USE OF FUNDS.—A coalition that receives a grant under this section shall not be required to use funds received under this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

''(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

''(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

''(f) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

''(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

''(2) in connection with legislation or appropriations directly affecting the activities of the entity.

''(g) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''(h) INDIAN REPRESENTATIVES.—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

''SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

''(a) IN GENERAL.—

''(1) PROGRAM.—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

''(2) GRANTS.—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall

be a local agency, a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

''(c) APPLICATION.—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

''(1) a description of how the entity will prioritize the safety of, and confidentiality of information about—

''(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

''(B) children of victims described in subparagraph (A);

''(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

''(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

''(d) USE OF FUNDS.—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

''(1) shall use the funds made available through the grant—

''(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

''(B) to provide services for nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

''(C) where appropriate, to provide the services described in this subsection while working with such a nonabusing parent and child together; and

''(2) may use the funds made available through the grant—

''(A) to provide early childhood development and mental health services;

''(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

''(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

''(e) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

"SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

''(a) IN GENERAL.—The Secretary shall award a grant to 1 or more private entities to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

''(b) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

''(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

''(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

''(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

''(B) the hiring criteria and qualifications for hotline personnel;

''(C) the methods for the creation, maintenance, and updating of a resource database;

''(D) a plan for publicizing the availability of the hotline;

''(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;

''(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

''(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

''(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

''(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

''(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

''(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

''(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

''(8) contain such other information as the Secretary may require.

''(e) HOTLINE ACTIVITIES.—

''(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

''(2) ACTIVITIES.—In establishing and operating the hotline, the entity—

''(A) shall contract with a carrier for the use of a toll-free telephone line;

''(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

''(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

''(D) shall widely publicize the hotline throughout the United States, including to potential users;

''(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

''(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

''(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

''(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

''(f) REPORTS AND EVALUATION.—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

"SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

''(a) IN GENERAL.—The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

''(b) TERM.—The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a cooperative agreement under this section shall be subject to—

''(1) annual approval by the Secretary; and

''(2) the availability of appropriations for each fiscal year to make the payments.

''(d) ELIGIBILITY.—To be eligible to enter into a cooperative agreement under this section, an organization shall—

''(1) be a State Domestic Violence Coalition; and

''(2) include representatives of pertinent sectors of the local community, which may include—

''(A) health care providers and State or local health departments;

''(B) the education community;

''(C) the faith-based community;

''(D) the criminal justice system;

''(E) family violence, domestic violence, and dating violence service program advocates;

''(F) human service entities such as State child services divisions;

''(G) business and civic leaders; and

''(H) other pertinent sectors.

''(e) APPLICATIONS.—An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

''(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

''(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

''(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

''(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

''(B) the method to be used for identification and selection of project staff and a project evaluator;

''(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

''(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

''(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

''(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

''(6) contains such other information, agreements, and assurances as the Secretary may require.

''(f) GEOGRAPHICAL DISPERSION.—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

''(g) USE OF FUNDS.—

''(1) IN GENERAL.—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

''(2) TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.—The Secretary may use a portion of the funds provided under this section to—

''(A) provide technical assistance;

''(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

''(C) conduct an independent evaluation of the program carried out under this section.

''(3) REQUIREMENTS.—In establishing and operating a project under this section, an eligible organization shall—

''(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

''(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

''(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

''(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

''(i) educational workshops and seminars;

''(ii) training programs for professionals;

''(iii) the preparation of informational material;

''(iv) developmentally appropriate education programs;

''(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

''(vi) the dissemination of information about the results of programs conducted under this subparagraph;

''(E) utilize evidence-informed prevention program planning; and

''(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

''(h) REPORTS AND EVALUATION.—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. 202. AMENDMENTS TO OTHER LAWS.

(a) TITLE 11, UNITED STATES CODE.—Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking ''section 309 of the Family Violence Prevention and Services Act'' and inserting ''section 302 of the Family Violence Prevention and Services Act''.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking ''section 320 of the Family Violence Prevention and Services Act'' and inserting ''section 302 of the Family Violence Prevention and Services Act''.

(c) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking ''through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)'' and inserting ''under section 311 of the Family Violence Prevention and Services Act''.

(d) VIOLENCE AGAINST WOMEN ACT OF 1994.—Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking ''under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))'' and inserting ''under sections 302 and 311 of the Family Violence Prevention and Services Act''.

(e) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term ''prevention program'' is amended—

(1) in paragraph (20), by striking ''section 40211'' and inserting ''section 313 of the Family Violence Prevention and Services Act (relating to a hotline)'';

(2) in paragraph (22), by striking ''section 40241'' and inserting ''sections 301 through 312 of the Family Violence Prevention and Services Act''; and

(3) in paragraph (24), by striking ''section 40261'' and inserting ''section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)''.

TITLE III—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) FINDINGS.—Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds that—

''(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

''(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

''(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

''(A) were born to mothers who did not receive prenatal care;

''(B) were born with life-threatening conditions or disabilities;

''(C) were born addicted to alcohol or other drugs; or

''(D) have HIV/AIDS;

''(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

''(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

''(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

''(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

''(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

''(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

''(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and

''(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

''(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

''(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

''(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

''(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

''(A) should not have medically indicated treatment withheld from them; or

''(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''older children, minority children, and'' after ''particularly''; and

(B) by striking paragraph (2) and inserting the following:

''(2) maintain an Internet-based national adoption information exchange system to—

''(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

''(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

''(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and''.

(b) INFORMATION AND SERVICES.—Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking all that follows ''facilitate the adoption of'' and inserting ''older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to families considering adoption of children with special needs.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and'' after ''regarding adoption'' and inserting a comma; and

(ii) by inserting '', and post-legal adoption services'' after ''adoption assistance programs'';

(B) in paragraph (2), by inserting '', including efforts to promote the adoption of older children, minority children, and children with special needs'' after ''national level'';

(C) in paragraph (7)—

(i) by striking ''study the efficacy of States contracting with'' and inserting ''increase the effective use of'';

(ii) by striking the comma after ''organizations)'' and inserting ''by States,'';

(iii) by inserting a comma after ''institutions''; and

(iv) by inserting '', including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs'' after ''children for adoption'';

(D) in paragraph (9)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by adding ''and'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(D) identify best practices to reduce adoption disruption and termination;''; and

(E) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by inserting ''tribal child welfare agencies,'' after ''local government entities,''; and

(ii) in subparagraph (A)—

(I) in clause (ii), by inserting '', including developing and using procedures to notify family and relatives when a child enters the child welfare system'' before the semicolon at the end;

(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

''(vii) education and training of prospective adoptive or adoptive parents;''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting '', consistent with the purpose of this title'' after ''by the Secretary''; and

(II) by striking the third sentence and inserting the following: ''Each application shall contain information that—

''(i) describes how the State plans to improve the placement rate of children in permanent homes;

''(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

''(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

''(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).'';

(ii) in subparagraph (B)(i), by inserting ''older children, minority children, and'' after ''successful placement of''; and

(iii) by adding at the end the following:

''(C) EVALUATION.—The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking ''2004'' and inserting ''2010''; and

(B) by striking ''2005 through 2008'' and inserting ''2011 through 2015'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.''.

TITLE IV—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 401. ABANDONED INFANTS ASSISTANCE.

(a) FINDINGS.—Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended—

(1) in paragraph (4), by striking ''including those'' and all that follows through '' 'AIDS')'' and inserting ''including those with HIV/AIDS''; and

(2) in paragraph (5), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''.

(b) REPEAL.—Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 102 Stat. 2536) is repealed.

(c) DEFINITIONS.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–21) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–22) is amended—

(1) in subsection (a)(1)—

(A) by striking ''2004'' and inserting ''2010''; and

(B) by striking ''2005 through 2008'' and inserting ''2011 through 2015''; and

(2) in subsection (b)(2), by striking ''fiscal year 2003'' and inserting ''fiscal year 2010''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from the Northern Mariana Islands (Mr. SABLAN) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

GENERAL LEAVE

Mr. SABLAN. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on Senate bill 3817 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of Senate bill 3817, as amended, which reauthorizes and improves the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act. These programs are critical to our Nation's effort to help some of the Nation's most vulnerable children.

Child abuse and neglect continues to be a significant problem in this country. In 2008, approximately 772,000 children were determined to be victims of child abuse and neglect, and an estimated 1,740 children died in 2009 as a result of child abuse. A report of child abuse is made every 10 seconds in the United States.

In addition to suffering physical and emotional harm, children who experience abuse or neglect are more likely to have developmental delays, have difficulties in school, be arrested as juveniles and later as adults, experience depression, anxiety or other mental health problems, engage in more health-risk behaviors as adults, and have poor health outcomes as adults.

In 1974, Congress enacted the Child Abuse Prevention and Treatment Act, or CAPTA, to create a single Federal focus for preventing and responding to child abuse and neglect. That landmark legislation helped establish minimum standards for specific reporting and response practices for States to include in their child protection laws. CAPTA remains the only Federal legislation exclusively dedicated to preventing, assessing, identifying, and treating child abuse and neglect.

In order to receive grant funds under the act, States are required to have procedures in place for receiving and responding to allegations of abuse or neglect and for ensuring children's safety. Since its enactment, CAPTA has been reauthorized numerous times, more recently by the Keeping Children and Families Safe Act of 2003. Currently, it authorizes three critical programs. These include formula grants to States to help improve their child protective services, competitive grants to prevent and treat child abuse and neglect, and formula grants to States for

support of community-based prevention services. In addition, CAPTA authorizes formula State grants, commonly referred to as the Children's Justice Act grants, to improve the prosecution and handling of child abuse and neglect cases.

This CAPTA reauthorization works to support and expand the use of evidence-based best practices in the field of child welfare, and makes changes to encourage States to adopt a differential response model in working with at-risk families and in preventing and intervening in cases of child abuse or neglect. Differential response allows child welfare agencies to intervene with families in more supportive ways, often by focusing or assessing families' strengths and needs and providing services. Research shows this approach can be less disruptive and more supportive to families, leading to safer and stronger homes for children.

The bill improves the Community-Based Child Abuse Prevention, CBCAP, program to encourage a greater child and family voice in planning efforts. Additionally, the bill takes steps to improve research on how to prevent child abuse and neglect in tribal families, enhance access to grants for tribes and tribal organizations, and expands the involvement of tribal leaders in advisory roles.

□ 1310

Thanks to Subcommittee Chair Mrs. MCCARTHY's leadership on the issue, the bill before us also ensures fewer children will fall through the cracks by improving services when there are cross-jurisdictional complications.

Also included in this legislation is a reauthorization of the Family Violence Prevention and Services Act. FVPSA is the primary Federal funding stream for domestic violence shelters and direct services to victims of domestic violence and their children. Over 2,000 shelters and programs receive grant funding under this statute.

With this reauthorization, FVPSA will better meet the needs of children exposed to domestic violence, including those exposed to teen dating violence or abuse. The bill also expands capacity for the National Domestic Violence Hotline, which provides a toll-free 24-hour hotline to offer assistance and referrals to victims of domestic violence and their families.

This bill reflects some of the language from H.R. 4116 reauthorizing FVPSA, of which I am an original cosponsor. It will strengthen the Coalition Against Domestic and Sexual Violence in the Northern Mariana Islands and similar groups working to help victims in the other U.S. insular areas.

These nongovernmental organizations provide shelter, counseling, and intervention and prevention services. But for island jurisdictions like the Northern Marianas, providing this help can be difficult. We have three main inhabited islands, and services available on one are not readily available on the others. Passage of S. 3817 will allow for establishment of shelters on each of the three islands to provide temporary protection for victims. Currently, the single shelter on the island of Saipan is inaccessible to victims who are living on the islands of Tinian and Rota.

I want to thank Representative GWEN MOORE and her staff for working closely with me to help ensure that insular areas are able to provide protection to victims of domestic violence, as we do in the rest of the United States. Education and Labor Committee Chairman GEORGE MILLER has also been a strong supporter. I also want to thank the sponsor of the Senate bill, Senator CHRIS DODD, for his leadership in bringing this important legislation to the House, as well as Senators DANIEL INOUYE, DANIEL AKAKA and JEFF BINGAMAN, and Senate Health, Education, Labor, and Pensions Committee Chairman TOM HARKIN for working to ensure that help is available for victims of sexual and domestic assault anywhere in America.

Finally, I want to thank Mr. KLINE for working with us to complete this important reauthorization.

Mr. Speaker, I ask my colleagues to join me in supporting Senate bill 3817 to reauthorize the Child Abuse Prevention and Treatment Act and Family Violence Prevention and Services Act.

I reserve the balance of my time.

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

I rise in support of Senate bill 3817, the Child Abuse Prevention and Treatment Act Reauthorization of 2010.

This bill reauthorizes the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, and the Adoption Opportunities Act. This is a narrowly tailored and responsible reauthorization for these important laws to update and improve these programs that help protect children and their families from violence.

This bill maintains current funding reauthorization levels and does not add any new programs. It does, however, make some good policy changes that will help protect children in need, help abused and neglected children with special needs find new families faster, and help local governments coordinate efforts to protect these children better.

One of the policy changes made in this bill is to support training and collaboration between child protective services and domestic violence service providers. This collaboration will help prevent child abuse and neglect through initiatives such as differential response, which allows professionals to assess children and families' needs without requiring a determination that a maltreatment has occurred.

This legislation also includes training for professionals on best practices to meet the needs of children with disabilities and supports better links between child protective services and disability groups to improve diagnosis and assistance to these children.

The bill provides technical assistance and training on domestic violence to State and local agencies and puts an increased emphasis on prevention of family violence, including dating violence.

This bill is a responsible reauthorization that modernizes these important programs and does so without increasing the authorization levels or adding new Federal programs. This reauthorization will help States and local governments protect our most vulnerable citizens through better coordination and training.

This is a good, responsible reauthorization, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I am pleased to yield at this time 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY), the chair of the Subcommittee on Healthy Families.

Mrs. MCCARTHY of New York. I want to thank my colleagues, Mr. SABLAN and Mr. GUTHRIE, for supporting this. I rise in support of S. 3817, the Child Abuse Prevention and Treatment Reauthorization of 2010. First, I want to thank Chairman MILLER and Ranking Member KLINE for their hard work, and certainly the staff who have worked very hard on this issue also. I also want to thank Senators HARKIN and DODD for their leadership on getting this bill through the Senate.

Abuse, neglect, and fatalities are significant concerns for all of us in this Nation, and I am proud that we are addressing this today.

As a nurse for over 30 years, I have seen firsthand the risks and illnesses that can result due to abuse and neglect. A concern which surfaced during the hearing in my subcommittee when we held a hearing on this topic was that child abuse does not respect State lines. As a result of the hearing, I introduced a bill called Protecting Children Across State Lines Act. I am proud to have provisions of my bill included in the CAPTA legislation.

My provisions do two things. One, they require data to be collected showing which reports are screened out on the basis of multiple State authorities being involved. Two, they clarify that the State task force recommendations for comprehensive protection of children should address issues in which multiple State authorities are involved.

We know that children who experience or witness abuse or neglect have their sense of security, trust, and safety shaken to the core. Studies show that young children are more likely to be reported as victims. The maltreatment rate for infants is 21 percent compared to 13 percent for children of ages 1–3. Neglect is one of the most troublesome problems that we face in this area.

In fact, more than 60 percent of children who come to the attention of child welfare authorities are victims of neglect. Sometimes these cases of neglect happen due to the simple fact

that parents need assistance. These parents are not monsters, they just need to be connected with available services or need help with basic parenting skills. We know from studies that the impact of chronic, long-term neglect is devastating to the development of children.

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

Mr. SABLAN. I yield the gentlewoman 30 additional seconds.

Mrs. MCCARTHY of New York. Victims of abuse and neglect are more likely to have delays with language or cognitive skills. They are more likely to be arrested for truancy. We also know they have poor health outcomes as adults.

Over 35 years ago, Congress enacted CAPTA to create a single Federal focus on child abuse and neglect. The rates of physical abuse have decreased in recent years, but the rates of neglect have remained constant. Difficult financial times can lead to violence, and victims with fewer personal resources become more vulnerable.

Mr. Speaker, I urge all of my colleagues to vote for this bill. This is for the children of this Nation. I urge Members to support S. 3817.

Mr. GUTHRIE. Mr. Speaker, I have no speakers at this time, and I continue to reserve.

Mr. SABLAN. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Speaker, I thank Representative SABLAN for yielding. I am just so overjoyed to be rising today to celebrate the imminent passage of the Family Violence Prevention and Services Act, or FVPSA, as well as the passage of CAPTA, the Child Abuse Prevention and Treatment Act.

By taking swift action to pass these bills before the end of the year, we are taking a stand to protect victims of domestic violence as well as children who are victims of abuse. We are also taking landmark steps to help break the cycle of abuse for generations to come.

I want to pause here to personally thank Chairman GEORGE MILLER of the Education and Labor Committee and Senator CHRIS DODD. I have worked so hard to bring attention to these bills, and I have been fortunate enough to have strong allies in these two chairmen, both of whom are extremely committed to these causes. I have had the honor of being the lead sponsor and champion for FVPSA in the House, but I certainly wouldn't be celebrating here today without the good work of Chairman MILLER and Senator DODD.

□ 1320

I also need to acknowledge and thank the many advocates and victim service providers who helped shape this legislation and who rallied support at key moments, particularly the advocates for the National Network to End Domestic Violence and the Wisconsin Coalition Against Domestic Violence.

Now, in spite of the fact that we have made great progress towards acknowledging that domestic violence is a crime, a crisis and a threat to public health, we have got such a long way to go. One in four women in this country experiences domestic violence in her life. Every day in this country, an average of three women are killed by a current or former intimate partner. In my State alone, deaths from domestic violence are the highest in a decade, and approximately 15.5 million children are exposed to domestic violence each year. In fact, one-half to two-thirds of domestic violence shelter residents are children.

The women and men who are victimized live in each and every one of your congressional districts. They come from all walks of life regardless of socioeconomic status, ethnicity, religion or partisan affiliation. They are members of our families; they are friends; they are neighbors; they are coworkers. As well, some in this room have been victims and survivors of this violence.

Since the economic downturn started, we have been hearing more and more horror stories from the shelters and service providers. The economy has been making bad situations worse for an increasing number of victims, many of whom have few resources on which to rely in order to flee their abusers.

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

Mr. SABLAN. Mr. Speaker, I yield another 30 seconds to the gentlewoman.

Ms. MOORE of Wisconsin. We have said that FVPSA keeps the lights on for these programs, and it has always done a great job. The beautiful thing about this program is that the reauthorization authorizes more activities to help us better treat children, in particular, who are traumatized by this violence.

Mr. GUTHRIE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I am pleased to yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of S. 3817, the Child Abuse Prevention and Treatment Reauthorization Act of 2010.

The Child Abuse Prevention and Treatment Reauthorization Act is the only Federal legislation exclusively dedicated to preventing, assessing, identifying, and treating the effects of child abuse and neglect. This reauthorization includes a number of important reforms for more use of the best practices in the child welfare system.

First, the bill focuses on the vulnerable populations, unaccompanied homeless children, as well as children with disabilities. Second, the bill improves and strengthens data collection and analysis to improve the State coordination of overall services to help prevent child abuse. Third, we improve the training of people who work with abused or neglected children to ensure that best practices are followed, that families remain whole, when possible, and that children are removed from dangerous situations when needed.

This Democratic Congress has taken swift action in the past to address issues of the safety of our children in school, in child care and in treatment facilities. It is clear we need to do more to help our children in their homes. This bill will also address domestic violence by reauthorizing the Family Violence Prevention and Services Act.

I want to thank the gentlewoman who just preceded me in the well, Congresswoman GWEN MOORE, for her leadership and efforts to highlight this important issue.

It is a sad reality that, during economic downturns, domestic violence occurrences happen more frequently. We know that nearly one in four women is abused by a partner in her adult life, that three women are killed by their partners every day in this country, and that 15.5 million children are exposed to domestic violence each year. We know that women between the ages of 16 and 24 are at the greatest risk of being victims of domestic violence. That is why this legislation is so important and why we allow dating violence victims to be recognized as recipients of services under this legislation.

It is very important in this legislation to protect women from this violence. It was over 30 years ago when I visited the first Shelter for Victims of Domestic Violence in the San Francisco Bay Area. It was started by women in order to help protect women and to try to get them services. Later, there came to this Congress a first appropriation for services to shelters—protecting women from domestic violence situations and trying to show them how, if necessary, they would be able to live independently or that shelters would be able to provide counseling for their abusers and would see whether or not children could be protected.

That was a long time ago. We have come a long way in this country. This legislation is incredibly important, and we must continue this effort of protecting these most vulnerable partners who are abused in their relationships on an everyday basis in this country—still in numbers far too great for us to consider that this problem has been solved.

I want to thank Congressmen KLINE, GUTHRIE, PLATTS, and others for their help on this legislation; and I want to thank CAROLYN MCCARTHY, the subcommittee chair, for all of her work and all of her concern that she has expressed and devoted her time to with respect to both the issues of child abuse and of domestic violence, issues that resulted in this legislation.

I hope, with these quick few changes, we will be able to send this back to the Senate and that they will support it.

I want to thank the gentleman from the Northern Mariana Islands for managing this very important piece of legislation on behalf of the committee.

Mr. STARK. Mr. Speaker, I rise to support the reauthorization of the Child-Abuse Prevention and Treatment Act. This bill strengthens our ability to identify, treat, and prevent the abuse and neglect of children and will open more good homes to foster children. This legislation also includes the Family Violence Prevention and Services Act, which recognizes the common co-occurrence of child abuse and domestic violence and provides resources to states to address both.

The Adoption Opportunities Act included in this bill focuses on the needs of older youth and minority youth in our child welfare system. More than 400,000 youth are in foster care in America. About 115,000 are awaiting adoption. More than one-quarter of those waiting for a family are over the age of twelve. However, the vast majority of those adopted are children under the age of nine. Older youth wait in the child welfare system for a long time, with the chance of being adopted decreasing every day. Many of these youth—over 25,000 each year—age out of the system without a permanent family to support their transition to young adulthood. Too often, these youth end up homeless, unemployed, or incarcerated.

I applaud the focus on these older youth. This bill authorizes national recruitment efforts to reach prospective adoptive parents, establishes an Internet-based national adoption information exchange system to bring together children up for adoption and qualified adoptive parents, and connects agencies and families to resources that will reduce barriers to adoption.

We must do all we can to increase adoption. Earlier this year, I introduced a bill, the Every Child Deserves a Family Act (H.R. 3827), which would further reduce barriers to adoption by preventing discrimination against prospective adoptive parents or foster parents solely on the basis of their sexual orientation, gender identification, or martial status. I look forward to continuing to work on reforming our child welfare system in the next Congress and I urge my colleagues to support S. 3817 and to stand with me to protect children.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of the Child Abuse Prevention and Treatment Act (CAPTA) of 2010, a bill that will make significant improvements for a range of programs, initiatives, and grants to support our mission to combat and remedy child abuse in America.

I want to thank the Chairman of the Committee on Education and Labor, my good friend, Mr. GEORGE MILLER, and all the members of the Committee for their work on this comprehensive legislation, and to my colleagues for their work in advocating for the needs of our young constituents who do not have the opportunity to advocate for themselves.

This bill reauthorizes—through FY2015—the current CAPTA legislation as well as the Family Violence Prevention and Services Act (FVPSA), the Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988, and covers a range of programs that address child abuse and neglect, family, domestic, and dating violence, as well as adoption.

As we all know, child abuse is an epidemic that has far-reaching effects past the incidence of abuse or neglect. Without the proper support, victims of abuse are at high risk for depression, anxiety, being arrested as juveniles, among other negative outcomes. Unfortunately, while prevention efforts have led to a decrease in reported incidents over the past decade, we still know that for every report of child abuse, there are far more unreported incidents and children without help.

Originally enacted in 1974, CAPTA is the key federal legislation addressing child abuse and neglect. Since enactment, CAPTA has played a vital role in assisting state and local governments in their efforts to not only treat, but also prevent child abuse. CAPTA has provided grants to states to support community-based programs and child protective services (CPS), and has boosted efforts in evaluating these programs through data collection, research, analysis, and training.

Through reauthorization, this legislation will improve how child abuse prevention and treatment programs are administered. To help ensure that the needs of America's children are being met, this bill will revise requirements for the child abuse prevention and treatment advisory board, the national clearinghouse for information relating to child abuse, research and assistance activities, as well as specified grants to States, Indian tribes or tribal organizations, public and private agencies and organizations.

Under the CAPTA Act, this bill will also strengthen state laws in terms of reporting; require increased efforts in research and studies to ensure that state laws are properly serving the needs of victims of abuse; and address challenging issues such as protecting children from cross-jurisdictional complication. Regarding FVPSA programs and activities, this bill will also expand grant opportunities, including programs for teen dating violence hotlines to further address the call for more support for young victims of abuse across the nation. Concerning adoption regulations, this bill also improves the focus on finding qualified families for adoption of children with special needs.

The scars of child abuse can be long-lasting, affecting not only the child and family, but also society as a whole. Therefore, it is essential that we pass this crucial legislation to improve the services, information, research, and resources that are deeply needed to better serve America's children.

The CAPTA Reauthorization Act of 2010 is a step towards improving and strengthening prevention efforts and support for victims of abuse. Through this bill, we will improve the ongoing efforts of the Federal Government to combat this issue, and we will also continue to strengthen and support the vital State, local, and community-based efforts that serve America's children day by day. I urge my colleagues to vote "yes" and support this important legislation.

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

Mr. SABLAN. Mr. Speaker, I urge my colleagues to support Senate bill 3817, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HODES). The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN) that the House suspend the rules and pass the bill, S. 3817, 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.

ROBERT C. BYRD MINE SAFETY PROTECTION ACT OF 2010

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6495) to improve compliance with mine safety and health laws, empower miners to raise safety concerns, prevent future mine tragedies, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6495

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 "Robert C. Byrd Mine Safety Protection Act of 2010".

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

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—ADDITIONAL INSPECTION AND INVESTIGATION AUTHORITY

Sec. 101. Independent accident investigations.
Sec. 102. Subpoena authority and miner rights during inspections and investigations.
Sec. 103. Designation of miner representative.
Sec. 104. Additional amendments relating to inspections and investigations.

TITLE II—ENHANCED ENFORCEMENT AUTHORITY

Sec. 201. Technical amendment.
Sec. 202. A pattern of recurring noncompliance or accidents.
Sec. 203. Injunctive authority.
Sec. 204. Revocation of approval of plans.
Sec. 205. Challenging a decision to approve, modify, or revoke a coal or other mine plan.
Sec. 206. GAO Study on MSHA Mine Plan Approval.

TITLE III—PENALTIES

Sec. 301. Civil penalties.
Sec. 302. Civil and criminal liability of officers, directors, and agents.
Sec. 303. Criminal penalties.
Sec. 304. Commission review of penalty assessments.
Sec. 305. Delinquent payments and prejudgment interest.

TITLE IV—WORKER RIGHTS AND PROTECTIONS

Sec. 401. Protection from retaliation.
Sec. 402. Protection from loss of pay.
Sec. 403. Underground coal miner employment standard for mines placed in pattern status.

TITLE V—MODERNIZING HEALTH AND SAFETY STANDARDS

Sec. 501. Pre-shift review of mine conditions.
Sec. 502. Rock dust standards.
Sec. 503. Atmospheric monitoring systems.
Sec. 504. Technology related to respirable dust.

Sec. 505. Refresher training on miner rights and responsibilities.
Sec. 506. Authority to mandate additional training.
Sec. 507. Certification of personnel.
TITLE VI—ADDITIONAL MINE SAFETY PROVISIONS
Sec. 601. Definitions.
Sec. 602. Assistance to States.
Sec. 603. Black lung medical reports.
Sec. 604. Rules of application to certain mines.
Sec. 605. Paygo compliance.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.).

TITLE I—ADDITIONAL INSPECTION AND INVESTIGATION AUTHORITY

SEC. 101. INDEPENDENT ACCIDENT INVESTIGATIONS.

(a) IN GENERAL.—Section 103(b) (30 U.S.C. 813(b)) is amended by striking ''(b) For the purpose'' and inserting the following:

''(b) ACCIDENT INVESTIGATIONS.—

''(1) IN GENERAL.—For all accident investigations under this Act, the Secretary shall—

''(A) determine why the accident occurred;

''(B) determine whether there were violations of law, mandatory health and safety standards, or other requirements, and if there is evidence of conduct that may constitute a violation of Federal criminal law, the Secretary may refer such evidence to the Attorney General; and

''(C) make recommendations to avoid any recurrence.

''(2) INDEPENDENT ACCIDENT INVESTIGATIONS.—

''(A) IN GENERAL.—There shall be, in addition to an accident investigation under paragraph (1), an independent investigation by an independent investigation panel (referred to in this subsection as the 'Panel') appointed under subparagraph (B) for—

''(i) any accident involving 3 or more deaths; or

''(ii) any accident that is of such severity or scale for potential or actual harm that, in the opinion of the Secretary of Health and Human Services, the accident merits an independent investigation.

''(B) APPOINTMENT.—

''(i) IN GENERAL.—As soon as practicable after an accident described in subparagraph (A), the Secretary of Health and Human Services shall appoint 5 members for the Panel required under this paragraph from among individuals who have expertise in accident investigations, mine engineering, or mine safety and health that is relevant to the particular investigation.

''(ii) CHAIRPERSON.—The Panel shall include, and be chaired by, a representative from the Office of Mine Safety and Health Research, of the National Institute for Occupational Safety and Health (referred to in this subsection as NIOSH).

''(iii) CONFLICTS OF INTEREST.—Panel members, and staff and consultants assisting the Panel with an investigation, shall be free from conflicts of interest with regard to the investigation, and be subject to the same standards of ethical conduct for persons employed by the Secretary.

''(iv) COMPOSITION.—The Secretary of Health and Human Services shall appoint as members of the Panel—

''(I) 1 operator of a mine or individual representing mine operators, and

''(II) 1 representative of a labor organization that represents miners,

and may not appoint more than 1 of either such individuals as members of the Panel.

''(v) STAFF AND EXPENSES.—The Director of NIOSH shall designate NIOSH staff to facilitate the work of the Panel. The Director may accept as staff personnel on detail from other Federal agencies or re-employ annuitants. The detail of personnel under this paragraph may be on a non-reimbursable basis, and such detail shall be without interruption or loss of civil service status or privilege. The Director of NIOSH shall have the authority to procure on behalf of the Panel such materials, supplies or services, including technical experts, as requested in writing by a majority of the Panel.

''(vi) COMPENSATION AND TRAVEL.—All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States. Each Panel member who is not an officer or employee of the United States shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of duties of the Panel. The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

''(C) DUTIES.—The Panel shall—

''(i) assess and identify any factors that caused the accident, including deficiencies in safety management systems, regulations, enforcement, industry practices or guidelines, or organizational failures;

''(ii) identify and evaluate any contributing actions or inactions of—

''(I) the operator;

''(II) any contractors or other persons engaged in mining-related functions at the site;

''(III) any State agency with oversight responsibilities;

''(IV) any agency or office within the Department of Labor; or

''(V) any other person or entity (including equipment manufacturers);

''(iii) review the determinations and recommendations by the Secretary under paragraph (1);

''(iv) prepare a report that—

''(I) includes the findings regarding the causal factors described in clauses (i) and (ii);

''(II) identifies any strengths and weaknesses in the Secretary's investigation; and

''(III) includes recommendations, including interim recommendations where appropriate, to industry, labor organizations, State and Federal agencies, or Congress, regarding policy, regulatory, enforcement, administrative, or other changes, which in the judgment of the Panel, would prevent a recurrence at other mines; and

''(v) publish such findings and recommendations (excluding any portions which the Attorney General requests that the Secretary withhold in relation to a criminal referral) and hold public meetings to inform the mining community and families of affected miners of the Panel's findings and recommendations.

''(D) HEARINGS; APPLICABILITY OF CERTAIN FEDERAL LAW.—The Panel shall have the authority to conduct public hearings or meetings, but shall not be subject to the Federal Advisory Committee Act. All public hearings of the Panel shall be subject to the requirements under section 552b of title 5, United States Code.

''(E) MEMORANDUM OF UNDERSTANDING.—Not later than 90 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary of Labor and the Secretary of Health and Human Services shall conclude and publically issue a memorandum of understanding that—

''(i) outlines administrative arrangements which will facilitate a coordination of efforts between the Secretary of Labor and the Panel, ensures that the Secretary's investigation under paragraph (1) is not delayed or otherwise compromised by the activities of the Panel, and establishes a process to resolve any conflicts between such investigations;

''(ii) ensures that Panel members or staff will be able to participate in investigation activities (such as mine inspections and interviews) related to the Secretary of Labor's investigation and will have full access to documents that are assembled or produced in such investigation, and ensures that the Secretary of Labor will make all of the authority available to such Secretary under this section, including subpoena authority, to obtain information and witnesses which may be requested by such Panel; and

''(iii) establishes such other arrangements as are necessary to implement this paragraph.

''(F) PROCEDURES.—Not later than 90 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary of Health and Human Services shall establish procedures to ensure the consistency and effectiveness of Panel investigations. In establishing such procedures, such Secretary shall consult with independent safety investigation agencies, sectors of the mining industry, representatives of miners, families of miners involved in fatal accidents, State mine safety agencies, and mine rescue organizations. Such procedures shall include—

''(i) authority for the Panel to use evidence, samples, interviews, data, analyses, findings, or other information gathered by the Secretary of Labor, as the Panel determines valid;

''(ii) provisions to ensure confidentiality if requested by any witness, to the extent permitted by law, and prevent conflicts of interest in witness representation; and

''(iii) provisions for preservation of public access to the Panel's records through the Secretary of Health and Human Services.

''(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary.

''(3) POWERS AND PROCESSES.—For the purpose''.

(b) REPORTING REQUIREMENTS.—Section 511(a) (30 U.S.C. 958(a)) is amended by inserting after ''501,'' the following: ''the status of implementation of recommendations from each independent investigation panel under section 103(b) received in the preceding 5 years''.

SEC. 102. SUBPOENA AUTHORITY AND MINER RIGHTS DURING INSPECTIONS AND INVESTIGATIONS.

Section 103(b) (as amended by section 101) (30 U.S.C. 813(b)) is further amended by adding at the end the following:

''(4) ADDITIONAL POWERS.—For purposes of making inspections and investigations, the Secretary or the Secretary's designee, may sign and issue subpoenas for the attendance and testimony of witnesses and the production of information, including all relevant data, papers, books, documents, and items of physical evidence, and administer oaths. Witnesses summoned shall be paid the same

fees that are paid witnesses in the courts of the United States. In carrying out inspections and investigations under this subsection, authorized representatives of the Secretary and attorneys representing the Secretary are authorized to question any individual privately. Under this section, any individual who is willing to speak with or provide a statement to such authorized representatives or attorneys representing the Secretary may do so without the presence, involvement, or knowledge of the operator or the operator's agents or attorneys. The Secretary shall keep the identity of an individual providing such a statement confidential to the extent permitted by law. Nothing in this paragraph prevents any individual from being represented by that individual's personal attorney.''.

SEC. 103. DESIGNATION OF MINER REPRESENTATIVE.

Section 103(f) (30 U.S.C. 813(f)) is amended by inserting before the last sentence the following: ''If any miner is entrapped or otherwise prevented as the result of an accident in such mine from designating such a representative directly, such miner's closest relative may act on behalf of such miner in designating such a representative. If any miner is not currently working in such mine as the result of an accident in such mine, but would be currently working in such mine but for such accident, such miner may designate such a representative. A representative of miners shall have the right to participate in any accident investigation the Secretary initiates pursuant to subsection (b), including the right to participate in investigative interviews and to review all relevant papers, books, documents and records produced in connection with the accident investigation, unless the Secretary in consultation with the Attorney General excludes such representatives from the investigation on the grounds that inclusion would interfere with or adversely impact a criminal investigation that is pending or under consideration.''.

SEC. 104. ADDITIONAL AMENDMENTS RELATING TO INSPECTIONS AND INVESTIGATIONS.

(a) HOURS OF INSPECTIONS.—Section 103(a) (30 U.S.C. 813(a)) is amended by inserting after the third sentence the following: ''Such inspections shall be conducted during the various shifts and days of the week during which miners are normally present in the mine to ensure that the protections of this Act are afforded to all miners working all shifts.''.

(b) REVIEW OF MINE PATTERN STATUS.—Section 103(a) is further amended by inserting before the last sentence the following: ''The Secretary shall, upon request by an operator, review with the appropriate mine officials the Secretary's most recent evaluation for pattern status (as provided in section 104(e)) for that mine during the course of a mine's regular quarterly inspection of an underground mine or a biannual inspection of a surface mine, or, at the discretion of the Secretary, during the pre-inspection conference.''.

(c) INJURY AND ILLNESS REPORTING.—Section 103(d) (30 U.S.C. 813(d)) is amended by striking the last sentence and inserting the following: ''The records to be kept and made available by the operator of the mine shall include man-hours worked and occupational injuries and illnesses with respect to the miners in their employ or under their direction or authority, and shall be maintained separately for each mine and be reported at a frequency determined by the Secretary, but at least annually. Independent contractors (within the meaning of section 3(d)) shall be responsible for reporting accidents, occupational injuries and illnesses, and man-hours worked for each mine with respect to the miners in their employ or under their direction or authority, and shall be reported at a frequency determined by the Secretary, but at least annually. Reports or records of operators and contractors required and submitted to the Secretary under this subsection shall be signed and certified as accurate and complete by a knowledgeable and responsible person possessing a certification, registration, qualification, or other approval, as provided for under section 118. Knowingly falsifying such records or reports shall be grounds for revoking such certification, registration, qualification, or other approval under the standards established under subsection (b)(1) of such section.''.

(d) ORDERS FOLLOWING AN ACCIDENT.—Section 103(k) (30 U.S.C. 813(k)) is amended by striking '', when present,''.

(e) CONFLICT OF INTEREST IN THE REPRESENTATION OF MINERS.—Section 103(a) (30 U.S.C. 813(a)) is amended by adding at the end the following: ''During inspections and investigations under this section, and during any litigation under this Act, no attorney shall represent or purport to represent both the operator of a coal or other mine and any other individual, unless such individual has knowingly and voluntarily waived all actual and reasonably foreseeable conflicts of interest resulting from such representation. The Secretary is authorized to take such actions as the Secretary considers appropriate to ascertain whether such individual has knowingly and voluntarily waived all such conflicts of interest. If the Secretary finds that such an individual cannot be represented adequately by such an attorney due to such conflicts of interest, the Secretary may petition the appropriate United States District Court which shall have jurisdiction to disqualify such attorney as counsel to such individual in the matter. The Secretary may make such a motion as part of an ongoing related civil action or as a miscellaneous action.''.

TITLE II—ENHANCED ENFORCEMENT AUTHORITY

SEC. 201. TECHNICAL AMENDMENT.

Section 104(d)(1) (30 U.S.C. 814(d)(1)) is amended—

(1) in the first sentence—

(A) by striking ''any mandatory health or safety standard'' and inserting ''any provision of this Act, including any mandatory health or safety standard or regulation promulgated under this Act''; and

(B) by striking ''such mandatory health or safety standards'' and inserting ''such provisions, regulations, or mandatory health or safety standards''; and

(2) in the second sentence, by striking ''any mandatory health or safety standard'' and inserting ''any provision of this Act, including any mandatory health or safety standard or regulation promulgated under this Act,''.

SEC. 202. A PATTERN OF RECURRING NONCOMPLIANCE OR ACCIDENTS.

Section 104(e) (30 U.S.C. 814(e)) is amended to read as follows:

''(e) PATTERN OF RECURRING NONCOMPLIANCE OR ACCIDENTS.—

''(1) PATTERN STATUS.—

''(A) IN GENERAL.—For purposes of this subsection, a coal or other mine shall be placed in pattern status if such mine has, as determined based on the regulations promulgated under paragraph (8)—

''(i) a pattern of—

''(I) citations for significant and substantial violations;

''(II) citations and withdrawal orders issued for unwarrantable failure to comply with mandatory health and safety standards under section 104(d);

''(III) citations for flagrant violations within the meaning of section 110(b);

''(IV) withdrawal orders issued under any other section of this Act (other than orders issued under subsections (j) or (k) of section 103); and

''(V) accidents and injuries; or

''(ii) a pattern consisting of any combination of citations, orders, accidents, or injuries described in subclauses (I) through (V).

''(B) MITIGATING CIRCUMSTANCES.—Notwithstanding subparagraph (A), if the Secretary, after conducting an assessment of a coal or other mine that otherwise qualifies for pattern status, certifies that there are mitigating circumstances wherein the operator has already implemented remedial measures that have reduced risks to the health and safety of miners to the point that such risks are no longer elevated and has taken sufficient measures to ensure such elevated risk will not recur, the Secretary may deem such mine to not be in pattern status under this subsection. The Secretary shall issue any such certification of such mitigating circumstances that would preclude the placement of a mine in pattern status as a written finding, which shall, not later than 10 days after the certification is made, be—

''(i) made available on the public Web site of the Mine Safety and Health Administration; and

''(ii) transmitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(C) FREQUENCY.—Not less frequently than every 6 months, the Secretary shall identify any mines which meet the criteria set forth in paragraph (8).

''(2) ACTIONS FOLLOWING PLACEMENT OF MINE IN PATTERN STATUS.—For any coal or other mine that is in pattern status, the Secretary shall—

''(A) notify the operator of such mine that the mine is being placed in pattern status;

''(B) issue an order requiring such operator to cause all persons to be withdrawn from such mine, except those persons referred to in subsection (c) or authorized by an order of the Secretary issued under this subsection;

''(C) issue a remediation order described in paragraph (3) to such operator within 3 days; and

''(D) require that the number of regular inspections of such mine required under section 103 be increased to 8 per year while the mine is in pattern status.

Notice advising operators that they face potential placement in pattern status shall not be a requirement for issuing a withdrawal order to operators under this subsection.

''(3) REMEDIATION ORDER.—

''(A) IN GENERAL.—A remediation order issued to an operator under paragraph (2)(C) may require the operator to carry out one or more of the following requirements, pursuant to a timetable for commencing and completing such actions or as a condition of miners reentering the mine:

''(i) Provide specified training, including training not otherwise required under this Act.

''(ii) Institute and implement an effective health and safety management program approved by the Secretary, including—

''(I) the employment of safety professionals, certified persons, and adequate numbers of personnel for the mine, as may be required by the Secretary;

''(II) specific inspection, recordkeeping, reporting and other requirements for the mine as the Secretary may establish; and

''(III) other requirements to ensure compliance and to protect the health and safety of miners or prevent accidents or injuries as the Secretary may determine are necessary.

''(iii) Facilitate any effort by the Secretary to communicate directly with miners

employed at the mine outside the presence of the mine operators or its agents, for the purpose of obtaining information about mine conditions, health and safety practices, or advising miners of their rights under this Act.

''(B) MODIFICATION OF AND FAILURE TO COMPLY WITH REMEDIATION ORDER.—The Secretary may modify the remediation order, as necessary, to protect the health and safety of miners. If the mine operator fails to fully comply with the remediation order during the time a mine is in pattern status, the Secretary shall reinstate the withdrawal order under paragraph (2)(B).

''(C) EXTENSION OF DEADLINES.—An extension of a deadline under the remediation order may be granted on a temporary basis and only upon a showing that the operator took all feasible measures to comply with the order and only to the extent that the operator's failure to comply is beyond the control of the operator.

''(4) CONDITIONS FOR LIFTING A WITHDRAWAL ORDER.—A withdrawal order issued under paragraph (2)(B) shall not be lifted until the Secretary verifies that—

''(A) any and all violations or other conditions in the mine identified in the remediation order have been or are being fully abated or corrected as outlined in the remediation order; and

''(B) the operator has completed any other actions under the remediation order that are required for reopening the mine.

''(5) PERFORMANCE EVALUATION.—

''(A) PERFORMANCE BENCHMARKS.—The Secretary shall evaluate the performance of each mine in pattern status every 90 days during which the mine is producing and determine if, for such 90-day period—

''(i) the rate of citations at such mine for significant and substantial violations—

''(I) is in the top performing 35th percentile of such rates, respectively, for all mines of similar size and type; or

''(II) has been reduced by 70 percent from the date on which such mine was placed in pattern status, provided that the rate of such violations is not greater than the mean for all mines of similar size and type;

''(ii) the accident and injury rates at such mine are in the top performing 35th percentile of such rates, respectively, for all mines of similar size and type; and

''(iii) no citations or withdrawal orders for a violation under section 104(d), no withdrawal orders for imminent danger under section 107 (issued in connection with a citation), and no flagrant violations within the meaning of section 110(b), were issued for such mine.

''(B) REISSUANCE OF WITHDRAWAL ORDERS.—If an operator being evaluated fails to achieve the performance benchmarks described in subparagraph (A), the Secretary may reissue a withdrawal order under paragraph (2)(B) to remedy any recurring conditions that led to pattern status under this subsection, and may modify the remediation order, as necessary, to protect the health and safety of miners.

''(6) TERMINATION OF PATTERN STATUS.—

''(A) PERFORMANCE BENCHMARKS.—The Secretary shall remove a coal or other mine from pattern status if, for a 1-year period during which the mine is producing—

''(i) the rate of citations at such mine for significant and substantial violations—

''(I) is in the top performing 25th percentile of such rates, respectively, for all mines of similar size and type; or

''(II) has been reduced by 80 percent from the date on which such mine was placed in pattern status, provided that the rate of such violations is not greater than the mean for all mines of similar size and type;

''(ii) the accident and injury rates at such mine are in the top performing 25th percentile of such rates, respectively, for all mines of similar size and type; and

''(iii) no citations or withdrawal orders for violations under section 104(d), no withdrawal orders for imminent danger under section 107 (issued in connection with a citation), and no flagrant violations within the meaning of section 110(b), were issued for such mine.

''(B) CONTINUATION OF PATTERN STATUS.—Should the mine operator fail to meet the performance benchmarks described in subparagraph (A), the Secretary shall extend the mine's placement in pattern status until such benchmarks are achieved.

''(C) CONSTRUCTION.—A withdrawal order issued as the result of a condition that was entirely beyond the operator's ability to prevent or control shall not preclude the operator from being removed from pattern status, provided the operator did not cause or allow miners to be exposed to the condition in violation of any provision of this Act or a mandatory health or safety standard or regulation promulgated under this Act.

''(7) EXPEDITED REVIEW.—If any order under this subsection is contested, the review of such order shall be conducted on an expedited basis, in accordance with section 105(d).

''(8) REGULATIONS.—

''(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall issue interim final regulations that shall define—

''(i) the threshold benchmarks to trigger pattern status under paragraph (1) and cause a withdrawal order to be issued or reissued; and

''(ii) the performance benchmarks described in paragraphs (5)(A) and (6)(A).

''(B) THRESHOLD BENCHMARKS.—In establishing threshold benchmarks to trigger pattern status for mines with significantly poor compliance that contributes to unsafe or unhealthy conditions, the Secretary—

''(i) shall—

''(I) consider rates of citations and orders described in paragraph (1)(A) and rates of reportable accidents and injuries within the preceding 180-day period; and

''(II) assign appropriate weight to various types of citations, orders, accidents, injuries, or other factors; and

''(ii) may include—

''(I) factors such as mine type, production levels, number of miners, hours worked by miners, number of mechanized mining units (or similar production characteristics), and the presence of a representative of miners at the mine for purposes of collective bargaining;

''(II) the mine's history of citations, violations, orders, and other enforcement actions, or rates of reportable accidents and injuries, over any period determined relevant by the Secretary; and

''(III) other factors the Secretary may determine appropriate to protect the safety and health of miners.

''(C) FINAL REGULATION.—Not later than 2 years after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall promulgate a final regulation implementing this paragraph.

''(9) PUBLIC DATABASE AND INFORMATION.—The Secretary shall establish and maintain a publically available electronic database containing the data used to determine pattern status for all coal or other mines which shall be updated as frequently as practicable. Such database shall be searchable and have the capacity to provide comparative data about the health and safety at mines of similar sizes and types. The Secretary shall also make publicly available—

''(A) a list of all mines the Secretary places in pattern status, updated within 7 days of placing an additional mine in pattern status;

''(B) the metrics, including percentile information, used for the purposes of the performance benchmarks and threshold benchmarks described in paragraphs (5), (6), and (8); and

''(C) guidance for the use of such metrics and benchmarks to assist operators in determining the performance their mines under criteria established by the Secretary.

''(10) OPERATOR FEES FOR ADDITIONAL INSPECTIONS.—

''(A) ASSESSMENT AND COLLECTION.—Beginning 120 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall assess and collect fees, in accordance with this paragraph, from each coal or other mine in pattern status for the costs of additional inspections under this subsection. The Secretary shall issue, by rule, a schedule of fees to be assessed against coal or other mines of varying types and sizes, and shall collect and assess amounts under this paragraph based on the schedule.

''(B) USE.—Amounts collected as provided in subparagraph (A) shall only be available to the Secretary for making expenditures to carry out the additional inspections required under paragraph (2)(D).

''(C) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated under this Act, there is authorized to be appropriated to the Assistant Secretary for Mine Safety and Health for each fiscal year in which fees are collected under subparagraph (A) an amount equal to the total amount of fees collected under such subparagraph during that fiscal year. Such amounts are authorized to remain available until expended. If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such regular appropriation is enacted.

''(D) COLLECTION AND CREDITING OF FEES.—Fees authorized and collected under this paragraph shall be deposited and credited as offsetting collections to the account providing appropriations to the Mine Safety and Health Administration and shall not be collected for any fiscal year except to the extent and in the amount provided in advance in appropriation Acts.''.

SEC. 203. INJUNCTIVE AUTHORITY.

Section 108(a)(2) (30 U.S.C. 818(a)(2)) is amended by striking ''a pattern of violation of'' and all that follows and inserting ''a course of conduct that in the judgment of the Secretary constitutes a continuing hazard to the health or safety of miners, including violations of this Act or of mandatory health and safety standards or regulations under this Act.''.

SEC. 204. REVOCATION OF APPROVAL OF PLANS.

Section 105 (30 U.S.C. 815) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d) REVOCATION OF APPROVAL OF PLANS.—

''(1) REVOCATION.—If the Secretary finds that any program or plan of an operator, or part thereof, that was approved by the Secretary under this Act is based on inaccurate information or that circumstances that existed when such plan was approved have materially changed and that continued operation of such mine under such plan constitutes a hazard to the safety or health of miners, the Secretary shall revoke the approval of such program or plan.

''(2) WITHDRAWAL ORDERS.—Upon revocation of the approval of a program or plan under subsection (a), the Secretary may immediately issue an order requiring the operator to cause all persons, except those persons referred to in section 104(c), to be withdrawn from such mine or an area of such mine, and to be prohibited from entering such mine or such area, until the operator has submitted and the Secretary has approved a new plan.''.

SEC. 205. CHALLENGING A DECISION TO APPROVE, MODIFY, OR REVOKE A COAL OR OTHER MINE PLAN.

Section 105(e) (as redesignated by section 204(1)) (30 U.S.C. 815(e)) is amended by adding at the end the following: ''In any proceeding in which a party challenges the Secretary's decision whether to approve, modify, or revoke a coal or other mine plan under this Act, the Commission shall affirm the Secretary's decision unless the challenging party establishes that such decision was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.''.

SEC. 206. GAO STUDY ON MSHA MINE PLAN APPROVAL.

Not later than 1 year after the date of enactment of this Act, the Comptroller General shall provide a report to Congress on the timeliness of the Mine Safety and Health Administration's approval of underground coal mines' required plans and plan amendments, including—

(1) factors that contribute to any delays in the approval of these plans; and

(2) as appropriate, recommendations for improving timeliness of plan review and for achieving prompt decisions.

TITLE III—PENALTIES

SEC. 301. CIVIL PENALTIES.

(a) TECHNICAL CORRECTION.—Section 110(a)(1) (30 U.S.C. 820(a)(1)) is amended by inserting ''including any regulation promulgated under this Act,'' after ''this Act,''.

(b) INCREASED CIVIL PENALTIES DURING PATTERN STATUS.—Section 110(b) (30 U.S.C. 820(b)) is amended by adding at the end the following:

''(3) Notwithstanding any other provision of this Act, an operator of a coal or other mine that is in pattern status under section 104(e) and that fails to meet the performance benchmarks set forth by the Secretary under section 104(e)(5)(A) during any performance review of the mine following the first performance review shall be assessed an increased civil penalty for any violation of this Act, including any mandatory health or safety standard or regulation promulgated under this Act. Such increased penalty shall be twice the amount that would otherwise be assessed for the violation under this Act, including the regulations promulgated under this Act, subject to the maximum civil penalty established for the violation under this Act. This paragraph shall apply to violations at such mine that occur during the time period after the operator fails to meet the performance benchmarks in this paragraph, and ending when the Secretary determines at a subsequent performance review that the mine meets the performance benchmarks under section 104(e)(5)(A).''.

(c) CIVIL PENALTY FOR RETALIATION.—Section 110(a) (30 U.S.C. 820(a)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) If any person violates section 105(c), the Secretary shall propose, and the Commission shall assess, a civil penalty of not less than $10,000 or more than $100,000 for the first occurrence of such violation, and not less than $20,000 or more than $200,000 for any subsequent violation, during any 3-year period.''.

SEC. 302. CIVIL AND CRIMINAL LIABILITY OF OFFICERS, DIRECTORS, AND AGENTS.

Section 110(c) (30 U.S.C. 820(c)) is amended to read as follows:

''(c) CIVIL AND CRIMINAL LIABILITY OF OFFICERS, DIRECTORS, AND AGENTS.—

''(1) CIVIL PENALTIES.—Whenever an operator engages in conduct for which the operator is subject to civil penalties under this section, any director, officer, or agent of such operator who knowingly authorizes, orders, or carries out such conduct, or who knowingly authorizes, orders, or carries out any policy or practice that results in such conduct and having reason to believe it would so result, shall be subject to the same civil penalties under this section as if it were an operator engaging in such conduct.

''(2) CRIMINAL PENALTIES.—Whenever an operator engages in conduct for which the operator is subject to criminal penalties under subsection (d), any director, officer, or agent of such operator who knowingly authorizes, orders, or carries out such conduct, or who knowingly authorizes, orders, or carries out a policy or practice that results in such conduct, and knowing that it will so result, shall be subject to the same penalties under paragraphs (1) or (2) of subsection (d) as if such person were an operator engaging in such conduct.''.

SEC. 303. CRIMINAL PENALTIES.

(a) IN GENERAL.—Section 110(d) (30 U.S.C. 820(d)) is amended to read as follows:

''(d) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—Whoever, being an operator, knowingly—

''(A) violates a mandatory health or safety standard, or

''(B) violates or fails or refuses to comply with any order issued under section 104 or section 107, or any order incorporated in a final decision issued under this Act (except an order incorporated in a decision under subsection (a)(1) or section 105(c)),

shall, upon conviction, be fined not more than $250,000, or imprisoned for not more than 1 year, or both, except that if the operator commits the violation after having been previously convicted of a violation under this paragraph and, if the operator knows or should know that such subsequent violation has the potential to expose a minor to risk of serious injury, serious illness, or death, the operator shall, upon conviction, be fined not more than $1,000,000, or imprisoned for not more than 5 years, or both.

''(2) SIGNIFICANT RISK OF SERIOUS INJURY, SERIOUS ILLNESS, OR DEATH.—Whoever, being an operator, knowingly—

''(A) tampers with or disables a required safety device (except with express authorization from the Secretary),

''(B) violates a mandatory health or safety standard, or

''(C) violates or fails or refuses to comply with an order issued under section 104 or 107, or any order incorporated in a final decision issued under this Act (except an order incorporated in a decision under subsection (a)(1) or section 105(c)),

and thereby recklessly exposes a miner to significant risk of serious injury, serious illness, or death, shall, upon conviction, be fined not more than $1,000,000, or imprisoned for not more than 5 years, or both, except that if the operator commits the violation after having been previously convicted of a violation under this paragraph, the operator shall, upon conviction, be fined not more than $2,000,000, or imprisoned for not more than 10 years, or both.

''(3) Whoever knowingly—

''(A) with the intent to retaliate, interferes with the lawful employment or livelihood of a person, or the spouse, sibling, child, or parent of a person, because any of them provides information to an authorized representative of the Secretary, a State or local mine safety or health officer or official, or other law enforcement officer, in reasonable belief that the information is true and related to an apparent health or safety violation, or unhealthful or unsafe condition, policy, or practice under this Act, or

''(B) interferes, or threatens to interfere, with the lawful employment or livelihood of a person, or the spouse, sibling, child, or parent of a person, with the intent to prevent any of them from so providing such information,

shall be fined under title 18 or imprisoned for not more than 5 years, or both.''.

(b) ADVANCE NOTICE OF INSPECTIONS.—

(1) IN GENERAL.—Section 110(e) (30 U.S.C. 820(e)) is amended to read as follows:

''(e) Whoever knowingly, with intent to give advance notice of an inspection conducted or to be conducted under this Act, and thereby to impede, interfere with, or frustrate such inspection, engages in, or directs another person to engage in, conduct that a reasonable person would expect to result in such advance notice, shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, except that a miner (other than a director, officer or agent of the operator involved) who commits the offense at the direction of a superior shall be fined under title 18, or imprisoned not more than 1 year, or both.''.

(2) POSTING OF ADVANCE NOTICE PENALTIES.—Section 109 (30 U.S.C. 819) is amended by adding at the end the following:

''(e) POSTING OF ADVANCE NOTICE PENALTIES.—Each operator of a coal or other mine shall post, on the bulletin board described in subsection (a) and in a conspicuous place near each staffed entrance onto the mine property, a notice stating, in a form and manner to be prescribed by the Secretary—

''(1) that it is unlawful pursuant to section 110(e) for any person, with the intent to impede, interfere with, or frustrate an inspection conducted or to be conducted under this Act, to engage in, or direct another person to engage in, any conduct that a reasonable person would expect to result in advance notice of such inspection; and

''(2) the maximum penalties for a violation under such subsection.''.

SEC. 304. COMMISSION REVIEW OF PENALTY ASSESSMENTS.

Section 110(i) (30 U.S.C. 820(i)) is amended by striking ''In assessing civil monetary penalties, the Commission shall consider'' and inserting the following: ''In any review of a citation and proposed penalty assessment contested by an operator, the Commission shall assess not less than the penalty derived by using the same methodology (including any point system) prescribed in regulations under this Act, so as to ensure consistency in operator penalty assessments, except that the Commission may assess a penalty for less than the amount that would result from the utilization of such methodology if the Commission finds that there are extraordinary circumstances. If there is no such methodology prescribed for a citation or there are such extraordinary circumstances, the Commission shall assess the penalty by considering''.

SEC. 305. DELINQUENT PAYMENTS AND PREJUDGMENT INTEREST.

(a) PRE-FINAL ORDER INTEREST.—Section 110(j) (30 U.S.C. 820(j)) is amended by striking the second and third sentences and inserting the following: ''Pre-final order interest on such penalties shall begin to accrue on the date the operator contests a citation issued

under this Act, including any mandatory health or safety standard or regulation promulgated under this Act, and shall end upon the issuance of the final order. Such pre-final order interest shall be calculated at the current underpayment rate determined by the Secretary of the Treasury pursuant to section 6621 of the Internal Revenue Code of 1986, and shall be compounded daily. Post-final order interest shall begin to accrue 30 days after the date a final order of the Commission or the court is issued, and shall be charged at the rate of 8 percent per annum.''.

(b) ENSURING PAYMENT OF PENALTIES.—

(1) AMENDMENTS.—Section 110 (30 U.S.C. 820) is further amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following:

''(l) ENSURING PAYMENT OF PENALTIES.—

''(1) DELINQUENT PAYMENT LETTER.—If the operator of a coal or other mine fails to pay any civil penalty assessment that has become a final order of the Commission or a court within 45 days after such assessment became a final order, the Secretary shall send the operator a letter advising the operator of the consequences under this subsection of such failure to pay. The letter shall also advise the operator of the opportunity to enter into or modify a payment plan with the Secretary based upon a demonstrated inability to pay, the procedure for entering into such plan, and the consequences of not entering into or not complying with such plan.

''(2) WITHDRAWAL ORDERS FOLLOWING FAILURE TO PAY.—If an operator that receives a letter under paragraph (1) has not paid the assessment by the date that is 180 days after such assessment became a final order and has not entered into a payment plan with the Secretary, the Secretary shall issue an order requiring such operator to cause all persons, except those referred to in section 104(c), to be withdrawn from, and to be prohibited from entering, the mine that is covered by the final order described in paragraph (1), until the operator pays such assessment in full (including interest and administrative costs) or enters into a payment plan with the Secretary. If such operator enters into a payment plan with the Secretary and at any time fails to comply with the terms specified in such payment plan, the Secretary shall issue an order requiring such operator to cause all persons, except those referred to in section 104(c), to be withdrawn from the mine that is covered by such final order, and to be prohibited from entering such mine, until the operator rectifies the noncompliance with the payment plan in the manner specified in such payment plan.''.

(2) APPLICABILITY AND EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to all unpaid civil penalty assessments under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), except that, for any unpaid civil penalty assessment that became a final order of the Commission or a court before the date of enactment of this Act, the time periods under section 110(n) of the Federal Mine Safety and Health Act of 1977 (as amended) (30 U.S.C. 820(n)) shall be calculated as beginning on the date of enactment of this Act instead of on the date of the final order.

TITLE IV—WORKER RIGHTS AND PROTECTIONS

SEC. 401. PROTECTION FROM RETALIATION.

Section 105(c) (30 U.S.C. 815(c)) is amended to read as follows:

''(c) PROTECTION FROM RETALIATION.—

''(1) RETALIATION PROHIBITED.—

''(A) RETALIATION FOR COMPLAINT OR TESTIMONY.—No person shall discharge or in any manner discriminate against or cause to be discharged or cause discrimination against or otherwise interfere with the exercise of the statutory rights of any miner or other employee of an operator, representative of miners, or applicant for employment, because—

''(i) such miner or other employee, representative, or applicant for employment—

''(I) has filed or made a complaint, or is about to file or make a complaint, including a complaint notifying the operator or the operator's agent, or the representative of the miners at the coal or other mine of an alleged danger or safety or health violation in a coal or other mine;

''(II) instituted or caused to be instituted, or is about to institute or cause to be instituted, any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such miner or other employee, representative, or applicant for employment on behalf of him or herself or others of any right afforded by this Act, or has reported any injury or illness to an operator or agent;

''(III) has testified or is about to testify before Congress or any Federal or State proceeding related to safety or health in a coal or other mine; or

''(IV) refused to violate any provision of this Act, including any mandatory health and safety standard or regulation; or

''(ii) such miner is the subject of medical evaluations and potential transfer under a standard published pursuant to section 101.

''(B) RETALIATION FOR REFUSAL TO PERFORM DUTIES.—

''(i) IN GENERAL.—No person shall discharge or in any manner discriminate against a miner or other employee of an operator for refusing to perform the miner's or other employee's duties if the miner or other employee has a good-faith and reasonable belief that performing such duties would pose a safety or health hazard to the miner or other employee or to any other miner or employee.

''(ii) STANDARD.—For purposes of clause (i), the circumstances causing the miner's or other employee's good-faith belief that performing such duties would pose a safety or health hazard shall be of such a nature that a reasonable person, under the circumstances confronting the miner or other employee, would conclude that there is such a hazard. In order to qualify for protection under this paragraph, the miner or other employee, when practicable, shall have communicated or attempted to communicate the safety or health concern to the operator and have not received from the operator a response reasonably calculated to allay such concern.

''(2) COMPLAINT.—Any miner or other employee or representative of miners or applicant for employment who believes that he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of paragraph (1) may file a complaint with the Secretary alleging such discrimination not later than 180 days after the later of—

''(A) the last date on which an alleged violation of paragraph (1) occurs; or

''(B) the date on which the miner or other employee or representative knows or should reasonably have known that such alleged violation occurred.

''(3) INVESTIGATION AND HEARING.—

''(A) COMMENCEMENT OF INVESTIGATION AND INITIAL DETERMINATION.—Upon receipt of such complaint, the Secretary shall forward a copy of the complaint to the respondent, and shall commence an investigation within 15 days of the Secretary's receipt of the complaint, and, as soon as practicable after commencing such investigation, make the determination required under subparagraph (B) regarding the reinstatement of the miner or other employee.

''(B) REINSTATEMENT.—If the Secretary finds that such complaint was not frivolously brought, the Commission, on an expedited basis upon application of the Secretary, shall order the immediate reinstatement of the miner or other employee until there has been a final Commission order disposing of the underlying complaint of the miner or other employee. If either the Secretary or the miner or other employee pursues the underlying complaint, such reinstatement shall remain in effect until the Commission has disposed of such complaint on the merits, regardless of whether the Secretary pursues such complaint by filing a complaint under subparagraph (D) or the miner or other employee pursues such complaint by filing an action under paragraph (4). If neither the Secretary nor the miner or other employee pursues the underlying complaint within the periods specified in paragraph (4), such reinstatement shall remain in effect until such time as the Commission may, upon motion of the operator and after providing notice and an opportunity to be heard to the parties, vacate such complaint for failure to prosecute.

''(C) INVESTIGATION.—Such investigation shall include interviewing the complainant and—

''(i) providing the respondent an opportunity to submit to the Secretary a written response to the complaint and to present statements from witnesses or provide evidence; and

''(ii) providing the complainant an opportunity to receive any statements or evidence provided to the Secretary and rebut any statements or evidence.

''(D) ACTION BY THE SECRETARY.—If, upon such investigation, the Secretary determines that the provisions of this subsection have been violated, the Secretary shall immediately file a complaint with the Commission, with service upon the alleged violator and the miner or other employee or representative of miners alleging such discrimination or interference and propose an order granting appropriate relief.

''(E) ACTION OF THE COMMISSION.—The Commission shall afford an opportunity for a hearing on the record (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section) and thereafter shall issue an order, based upon findings of fact, affirming, modifying, or vacating the Secretary's proposed order, or directing other appropriate relief. Such order shall become final 30 days after its issuance. The complaining miner or other employee, representative, or applicant for employment may present additional evidence on his or her own behalf during any hearing held pursuant to this paragraph.

''(F) RELIEF.—The Commission shall have authority in such proceedings to require a person committing a violation of this subsection to take such affirmative action to abate the violation and prescribe a remedy as the Commission considers appropriate, including—

''(i) the rehiring or reinstatement of the miner or other employee with back pay and interest and without loss of position or seniority, and restoration of the terms, rights, conditions, and privileges associated with the complainant's employment;

''(ii) any other compensatory and consequential damages sufficient to make the complainant whole, and exemplary damages where appropriate; and

''(iii) expungement of all warnings, reprimands, or derogatory references that have been placed in paper or electronic records or databases of any type relating to the actions

by the complainant that gave rise to the unfavorable personnel action, and, at the complainant's direction, transmission of a copy of the decision on the complaint to any person whom the complainant reasonably believes may have received such unfavorable information.

''(4) NOTICE TO AND ACTION OF COMPLAINANT.—

''(A) NOTICE TO COMPLAINANT.—Not later than 90 days of the receipt of a complaint filed under paragraph (2), the Secretary shall notify, in writing, the miner or other employee, applicant for employment, or representative of miners of his determination whether a violation has occurred.

''(B) ACTION OF COMPLAINANT.—If the Secretary, upon investigation, determines that the provisions of this subsection have not been violated, the complainant shall have the right, within 30 days after receiving notice of the Secretary's determination, to file an action in his or her own behalf before the Commission, charging discrimination or interference in violation of paragraph (1).

''(C) HEARING AND DECISION.—The Commission shall afford an opportunity for a hearing on the record (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section), and thereafter shall issue an order, based upon findings of fact, dismissing or sustaining the complainant's charges and, if the charges are sustained, granting such relief as it deems appropriate as described in paragraph (3)(D). Such order shall become final 30 days after its issuance.

''(5) BURDEN OF PROOF.—In adjudicating a complaint pursuant to this subsection, the Commission may determine that a violation of paragraph (1) has occurred only if the complainant demonstrates that any conduct described in paragraph (1) with respect to the complainant was a contributing factor in the adverse action alleged in the complaint. A decision or order that is favorable to the complainant shall not be issued pursuant to this subsection if the respondent demonstrates by clear and convincing evidence that the respondent would have taken the same adverse action in the absence of such conduct.

''(6) ATTORNEYS' FEES.—Whenever an order is issued sustaining the complainant's charges under this subsection, a sum equal to the aggregate amount of all costs and expenses, including attorney's fees, as determined by the Commission to have been reasonably incurred by the complainant for, or in connection with, the institution and prosecution of such proceedings shall be assessed against the person committing such violation. The Commission shall determine whether such costs and expenses were reasonably incurred by the complainant without reference to whether the Secretary also participated in the proceeding.

''(7) EXPEDITED PROCEEDINGS; JUDICIAL REVIEW.—Proceedings under this subsection shall be expedited by the Secretary and the Commission. Any order issued by the Commission under this subsection shall be subject to judicial review in accordance with section 106. Violations by any person of paragraph (1) shall be subject to the provisions of sections 108 and 110(a)(4).

''(8) PROCEDURAL RIGHTS.—The rights and remedies provided for in this subsection may not be waived by any agreement, policy, form, or condition of employment, including by any pre-dispute arbitration agreement or collective bargaining agreement.

''(9) SAVINGS.—Nothing in this subsection shall be construed to diminish the rights, privileges, or remedies of any employee who exercises rights under any Federal or State law or common law, or under any collective bargaining agreement.''.

SEC. 402. PROTECTION FROM LOSS OF PAY.

Section 111 (30 U.S.C. 821) is amended to read as follows:

''SEC. 111. ENTITLEMENT OF MINERS.

''(a) PROTECTION FROM LOSS OF PAY.—

''(1) WITHDRAWAL ORDERS.—If a coal or other mine or area of such mine is closed by an order issued under section 103, 104, 107, 108, or 110, all miners working during the shift when such order was issued who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than the balance of such shift. If such order is not terminated prior to the next working shift, all miners on that shift who are idled by such order shall be entitled to full compensation by the operator at their regular rates of pay for the period they are idled, but for not more than four hours of such shift. If a coal or other mine or area of such mine is closed by an order issued under section 104, 107 (in connection with a citation), 108, or 110, all miners who are idled by such order shall be entitled, regardless of the result of any review of such order, to full compensation by the operator at their regular rates of pay and in accordance with their regular schedules of pay for the entire period for which they are idled, not to exceed 60 days.

''(2) CLOSURE IN ADVANCE OF ORDER.—If the Secretary finds that such mine or such area of a mine was closed by the operator in anticipation of the issuance of such an order, all miners who are idled by such closure shall be entitled to full compensation by the operator at their regular rates of pay and in accordance with their regular schedules of pay, from the time of such closure until such time as the Secretary authorizes reopening of such mine or such area of the mine, not to exceed 60 days, except where an operator promptly withdraws miners upon discovery of a hazard, and notifies the Secretary where required, and within the prescribed time period.

''(3) REFUSAL TO COMPLY.—Whenever an operator violates or fails or refuses to comply with any order issued under section 103, 104, 107, 108, or 110, all miners employed at the affected mine who would have been withdrawn from, or prevented from entering, such mine or area thereof as a result of such order shall be entitled to full compensation by the operator at their regular rates of pay, in addition to pay received for work performed after such order was issued, for the period beginning when such order was issued and ending when such order is complied with, vacated, or terminated.

''(b) ENFORCEMENT.—

''(1) COMMISSION ORDERS.—The Commission shall have authority to order compensation due under this section upon the filing of a complaint by a miner or his representative and after opportunity for hearing on the record subject to section 554 of title 5, United States Code. Whenever the Commission issues an order sustaining the complaint under this subsection in whole or in part, the Commission shall award the complainant reasonable attorneys' fees and costs.

''(2) FAILURE TO PAY COMPENSATION DUE.—Consistent with the authority of the Secretary to order miners withdrawn from a mine under this Act, the Secretary shall order a mine that has been subject to a withdrawal order under section 103, 104, 107, 108, or 110, and has reopened, to be closed again if compensation in accordance with the provisions of this section is not paid by the end of the next regularly scheduled payroll period following the lifting of a withdrawal order.

''(c) EXPEDITED REVIEW.—If an order is issued which results in payments to miners under subsection (a), the operators shall have the right to an expedited review before the Commission using timelines and procedures established pursuant to section 316(b)(2)(G)(ii).''.

SEC. 403. UNDERGROUND COAL MINER EMPLOYMENT STANDARD FOR MINES PLACED IN PATTERN STATUS.

The Federal Mine Safety and Health Act of 1977 is further amended by adding at the end of title I the following:

''SEC. 117. UNDERGROUND COAL MINER EMPLOYMENT STANDARD FOR MINES PLACED IN PATTERN STATUS.

''(a) IN GENERAL.—For purposes of ensuring miners' health and safety and miners' right to raise concerns thereof, when an underground coal mine is placed in pattern status pursuant to section 104(e), and for 3 years after such placement, the operator of such mine may not discharge or constructively discharge a miner who is paid on an hourly basis and employed at such underground coal mine without reasonable job-related grounds based on a failure to satisfactorily perform job duties, including compliance with this Act and with mandatory health and safety standards or other regulations issued under this Act, or other legitimate business reason, where the miner has completed the employer's probationary period, not to exceed 6 months.

''(b) CAUSE OF ACTION.—A miner aggrieved by a violation of subsection (a) may file a complaint in Federal district court in the district where the mine is located within 1 year of such violation.

''(c) REMEDIES.—In an action under subsection (b), for any prevailing miner the court shall take affirmative action to further the purposes of the Act, which may include reinstatement with backpay and compensatory damages. Reasonable attorneys' fees and costs shall be awarded to any prevailing miner under this section.

''(d) PRE-DISPUTE WAIVER PROHIBITED.—A miner's right to a cause of action under this section may not be waived with respect to disputes that have not arisen as of the time of the waiver.

''(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the availability of rights and remedies of miners under any other State or Federal law or a collective bargaining agreement.''.

TITLE V—MODERNIZING HEALTH AND SAFETY STANDARDS

SEC. 501. PRE-SHIFT REVIEW OF MINE CONDITIONS.

Section 303(d) (30 U.S.C. 863(d)) is amended by adding at the end the following:

''(3)(A) Not later than 30 days after the issuance of the interim final rules promulgated under subparagraph (C), each operator of an underground coal mine shall implement a communication program at the underground coal mine to ensure that each miner is orally briefed on and made aware of, prior to traveling to or arriving at the miner's work area and commencing the miner's assigned tasks—

''(i) any conditions that are hazardous, or that violate a mandatory health or safety standard or a plan approved under this Act, where the miner is expected to work or travel; and

''(ii) the general conditions of that miner's assigned working section or other area where the miner is expected to work or travel.

''(B) Not later than 180 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall promulgate interim final rules implementing the requirements of subparagraph (A). The Secretary shall issue a final rule not later than 2 years after such date.''.

SEC. 502. ROCK DUST STANDARDS.

(a) STANDARDS.—Section 304(d) (30 U.S.C. 864(d)) is amended—

(1) by striking ''Where rock'' and inserting the following: ''ROCK DUST.—

''(1) IN GENERAL.—Where rock'';

(2) by striking ''65 per centum'' and all that follows and inserting ''80 percent. Where methane is present in any ventilating current, the percentage of incombustible content of such combined dusts shall be increased 0.4 percent for each 0.1 percent of methane.''; and

(3) by adding at the end the following:

''(2) METHODS OF MEASUREMENT.—

''(A) IN GENERAL.—Each operator of an underground coal mine shall take accurate and representative samples which shall measure the total incombustible content of combined coal dust, rock dust, and other dust in such mine to ensure that the coal dust is kept below explosive levels through the appropriate application of rock dust.

''(B) DIRECT READING MONITORS.—By the later of June 15, 2011, or the date that is 30 days after the Secretary of Health and Human Services has certified in writing that direct reading monitors are commercially available to measure total incombustible content in samples of combined coal dust, rock dust, and other dust and the Department of Labor has approved such monitors for use in underground coal mines, the Secretary shall require operators to take such dust samples using direct reading monitors.

''(C) REGULATIONS.—The Secretary shall, not later than 180 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, promulgate an interim final rule that prescribes methods for operator sampling of total incombustible content in samples of combined coal dust, rock dust, and other dust using direct reading monitors and includes requirements for locations, methods, and intervals for mandatory operator sampling.

''(D) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary of Health and Human Services shall, based upon the latest research, recommend to the Secretary of Labor any revisions to the mandatory operator sampling locations, methods, and intervals included in the interim final rule described in subparagraph (B) that may be warranted in light of such research.

''(3) LIMITATION.—Until a final rule is issued by the Secretary under section 502(b)(2) of the Robert C. Byrd Mine Safety Protection Act of 2010, any measurement taken by a direct reading monitor described in paragraph (2) shall not be admissible to establish a violation in an enforcement action under this Act.''.

(b) REPORT AND RULEMAKING AUTHORITY.—

(1) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Labor, shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report—

(A) regarding whether any direct reading monitor described in section 304(d)(2)(B) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 864(d)(2)(B)) is sufficiently reliable and accurate for the enforcement of the mandatory health or safety standards by the Secretary of Labor under such Act, and whether additional improvement to such direct reading monitor, or additional verification regarding reliability and accuracy, would be needed for enforcement purposes; and

(B) identifying any limitations or impediments for such use in underground coal mines.

(2) AUTHORITY.—If the Secretary determines that such direct reading monitor is sufficiently reliable and accurate for the enforcement of mandatory health and safety standards under the Federal Mines Safety and Health Act of 1977 following such report or any update thereto, the Secretary shall promulgate a final rule authorizing the use of such direct reading monitor for purposes of compliance and enforcement, in addition to other methods for determining total incombustible content. Such rule shall specify mandatory operator sampling locations, methods, and intervals.

SEC. 503. ATMOSPHERIC MONITORING SYSTEMS.

Section 317 (30 U.S.C. 877) is amended by adding at the end the following:

''(u) ATMOSPHERIC MONITORING SYSTEMS.—

''(1) NIOSH RECOMMENDATIONS.—Not later than 1 year after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Director of the National Institute for Occupational Safety and Health, acting through the Office of Mine Safety and Health Research, in consultation, including through technical working groups, with operators, vendors, State mine safety agencies, the Secretary, and labor representatives of miners, shall issue recommendations to the Secretary regarding—

''(A) how to ensure that atmospheric monitoring systems are utilized in the underground coal mining industry to maximize the health and safety of underground coal miners;

''(B) the implementation of redundant systems, such as the bundle tubing system, that can continuously monitor the mine atmosphere following incidents such as fires, explosions, entrapments, and inundations; and

''(C) other technologies available to conduct continuous atmospheric monitoring.

''(2) ATMOSPHERIC MONITORING SYSTEM REGULATIONS.—Not later than 1 year following the receipt of the recommendations described in paragraph (1), the Secretary shall promulgate regulations requiring that each operator of an underground coal mine install atmospheric monitoring systems, consistent with such recommendations, that—

''(A) protect miners where the miners normally work and travel;

''(B) provide real-time information regarding methane and carbon monoxide levels, and airflow direction, as appropriate, with sensing, annunciating, and recording capabilities; and

''(C) can, to the maximum extent practicable, withstand explosions and fires.''.

SEC. 504. TECHNOLOGY RELATED TO RESPIRABLE DUST.

Section 202(d) (30 U.S.C. 842(d)) is amended—

(1) by striking ''of Health, Education, and Welfare''; and

(2) by striking the second sentence and inserting the following: ''Not later than 2 years after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall promulgate final regulations that require operators, beginning on the date such regulations are issued, to provide coal miners with the maximum feasible protection from respirable dust, including coal and silica dust, that is achievable through environmental controls, and that meet the applicable standards.''.

SEC. 505. REFRESHER TRAINING ON MINER RIGHTS AND RESPONSIBILITIES.

(a) IN GENERAL.—Section 115(a)(3) (30 U.S.C. 825(a)(3)) is amended to read as follows:

''(3) all miners shall receive not less than 9 hours of refresher training not less frequently than once every 12 months, and such training shall include one hour of training on the statutory rights and responsibilities of miners and their representatives under this Act and other applicable Federal and State law, pursuant to a program of instruction developed by the Secretary and delivered by an employee of the Administration or by a trainer approved by the Administration that is a party independent from the operator;''.

(b) NATIONAL HAZARD REPORTING HOTLINE.—Section 115 (30 U.S.C. 825) is further amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following:

''(c) Any health and safety training program of instruction provided under this section shall include distribution to miners of information regarding miners' rights under the Act, as well as a toll-free hotline telephone number, which the Secretary shall maintain to receive complaints from miners and the public regarding hazardous conditions, discrimination, safety or health violations, or other mine safety or health concerns. Information regarding the hotline shall be provided in a portable, convenient format, such as a durable wallet card, to enable miners to keep the information on their person.''.

(c) TIMING OF INITIAL STATUTORY RIGHTS TRAINING.—Notwithstanding section 115 of the Federal Mine Safety and Health Act (as amended by subsection (a)) (30 U.S.C. 825) or the health and safety training program approved under such section, an operator shall ensure that all miners already employed by the operator on the date of enactment of this Act shall receive the one hour of statutory rights and responsibilities training described in section 115(a)(3) of such Act not later than 180 days after such date.

SEC. 506. AUTHORITY TO MANDATE ADDITIONAL TRAINING.

(a) IN GENERAL.—Section 115 (30 U.S.C. 825) is further amended by redesignating subsections (e) and (f) (as redesignated) as subsections (f) and (g) and inserting after subsection (d) (as redesignated) the following:

''(e) AUTHORITY TO MANDATE ADDITIONAL TRAINING.—

''(1) IN GENERAL.—The Secretary is authorized to issue an order requiring that an operator of a coal or other mine provide additional training beyond what is otherwise required by law, and specifying the time within which such training shall be provided, if the Secretary finds that—

''(A)(i) a serious or fatal accident has occurred at such mine; or

''(ii) such mine has experienced accident and injury rates, citations for violations of this Act (including mandatory health or safety standards or regulations promulgated under this Act), citations for significant and substantial violations, or withdrawal orders issued under this Act at a rate above the average for mines of similar size and type; and

''(B) additional training would benefit the health and safety of miners at the mine.

''(2) WITHDRAWAL ORDER.—If the operator fails to provide training ordered under paragraph (1) within the specified time, the Secretary shall issue an order requiring such operator to cause all affected persons, except those persons referred to in section 104(c), to be withdrawn, and to be prohibited from entering such mine, until such operator has provided such training.''.

(b) CONFORMING AMENDMENTS.—Section 104(g)(2) (30 U.S.C. 814(g)(2)) is amended by striking ''under paragraph (1)'' both places it appears and inserting ''under paragraph (1) or under section 115(e)''.

SEC. 507. CERTIFICATION OF PERSONNEL.

(a) IN GENERAL.—Title I is further amended by adding at the end the following:

"SEC. 118. CERTIFICATION OF PERSONNEL.

''(a) CERTIFICATION REQUIRED.—Any person who is authorized or designated by the operator of a coal or other mine to perform any duties or provide any training that this Act, including a mandatory health or safety standard or regulation promulgated pursuant to this Act, requires to be performed or provided by a certified, registered, qualified, or otherwise approved person, shall be permitted to perform such duties or provide such training only if such person has a current certification, registration, qualification, or approval to perform such duties or provide such training consistent with the requirements of this section.

''(b) ESTABLISHMENT OF CERTIFICATION REQUIREMENTS AND PROCEDURES.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall issue mandatory standards to establish—

''(A) requirements for such certification, registration, qualification, or other approval, including the experience, examinations, and references that may be required as appropriate;

''(B) time limits for such certifications and procedures for obtaining and renewing such certification, registration, qualification, or other approval; and

''(C) procedures and criteria for revoking such certification, registration, qualification, or other approval, including procedures that ensure that the Secretary (or a State agency, as applicable) responds to requests for revocation and that the names of individuals whose certification or other approval has been revoked are provided to and maintained by the Secretary, and are made available to appropriate State agencies through an electronic database.

''(2) COORDINATION WITH STATES.—In developing such standards, the Secretary shall consult with States that have miner certification programs to ensure effective coordination with existing State standards and requirements for certification. The standards required under paragraph (1) shall provide that the certification, registration, qualification, or other approval of the State in which the coal or other mine is located satisfies the requirement of subsection (a) if the State's program of certification, registration, qualification, or other approval is no less stringent than the standards established by the Secretary under paragraph (1).

''(c) OPERATOR FEES FOR CERTIFICATION.—

''(1) ASSESSMENT AND COLLECTION.—Beginning 180 days after the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, the Secretary shall assess and collect fees, in accordance with this subsection, from each operator for each person certified under this section. Fees shall be assessed and collected in amounts determined by the Secretary as necessary to fund the certification programs established under this section.

''(2) USE.—Amounts collected as provided in paragraph (1) shall only be available to the Secretary, as provided in paragraph (3), for making expenditures to carry out the certification programs established under this subsection.

''(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under section 114, there is authorized to be appropriated to the Assistant Secretary for Mine Safety and Health for each fiscal year in which fees are collected under paragraph (1) an amount equal to the total amount of fees collected under paragraph (1) during that fiscal year. Such amounts are authorized to remain available until expended. If on the first day of a fiscal year a regular appropriation to the Commission has not been enacted, the Commission shall continue to collect fees (as offsetting collections) under this subsection at the rate in effect during the preceding fiscal year, until 5 days after the date such regular appropriation is enacted.

''(4) COLLECTING AND CREDITING OF FEES.—Fees authorized and collected under this subsection shall be deposited and credited as offsetting collections to the account providing appropriations to the Mine Safety and Health Administration and shall not be collected for any fiscal year except to the extent and in the amount provided in advance in appropriation Acts.

''(d) CITATION; WITHDRAWAL ORDER.—Any operator who permits a person to perform any of the health or safety related functions described in subsection (a) without a current certification which meets the requirements of this section shall be considered to have committed an unwarrantable failure under section 104(d)(1), and the Secretary shall issue an order requiring that the miner be withdrawn or reassigned to duties that do not require such certification.''.

(b) CONFORMING AMENDMENTS.—Section 318 (30 U.S.C. 878) is amended—

(1) by striking subsections (a) and (b);

(2) in subsection (c), by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(3) in subsection (g), by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

(4) by redesignating subsections (c) through (j) as paragraphs (1) through (8), respectively.

TITLE VI—ADDITIONAL MINE SAFETY PROVISIONS

SEC. 601. DEFINITIONS.

(a) DEFINITION OF OPERATOR.—Section 3(d) is amended to read as follows:

''(d) 'operator' means—

''(1) any owner, lessee, or other person that—

''(A) operates or supervises a coal or other mine; or

''(B) controls such mine by making or having the authority to make management or operational decisions that affect, directly or indirectly, the health or safety at such mine; or

''(2) any independent contractor performing services or construction at such mine;''.

(b) DEFINITION OF AGENT.—Section 3(e) (30 U.S.C. 802(e)) is amended by striking ''the miners'' and inserting ''any miner''.

(c) DEFINITION OF MINER.—Section 3(g) (30 U.S.C. 802(g)) is amended by inserting after ''or other mine'' the following: '', and includes any individual who is not currently working in a coal or other mine but would be currently working in such mine, but for an accident in such mine''.

(d) DEFINITION OF SIGNIFICANT AND SUBSTANTIAL VIOLATIONS.—Section 3 (30 U.S.C. 802) is further amended—

(1) in subsection (m), by striking ''and'' after the semicolon;

(2) in subsection (n), by striking the period at the end and inserting a semicolon;

(3) in subsection (o), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(p) 'significant and substantial violation' means a violation of this Act, including any mandatory health or safety standard or regulation promulgated under this Act, that is of such nature as could significantly and substantially contribute to the cause and effect of a coal or other mine safety or health hazard as described in section 104(d).''.

SEC. 602. ASSISTANCE TO STATES.

Section 503 (30 U.S.C. 953(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking '', in coordination with the Secretary of Health, Education, and Welfare and the Secretary of the Interior,'';

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) in paragraph (3), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(4) to assist such State in developing and implementing any certification program for coal or other mines required for compliance with section 118.''; and

(2) in subsection (h), by striking ''$3,000,000 for fiscal year 1970, and $10,000,000 annually in each succeeding fiscal year'' and inserting ''$20,000,000 for each fiscal year''.

SEC. 603. BLACK LUNG MEDICAL REPORTS.

Title IV of the Black Lung Benefits Act (30 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 435. MEDICAL REPORTS.

''In any claim for benefits for a miner under this title, an operator that requires a miner to submit to a medical examination regarding the miner's respiratory or pulmonary condition shall, not later than 14 days after the miner has been examined, deliver to the claimant a complete copy of the examining physician's report. The examining physician's report shall be in writing and shall set out in detail the examiner's findings, including any diagnoses and conclusions and the results of any diagnostic imaging techniques and tests that were performed on the miner.''.

SEC. 604. RULES OF APPLICATION TO CERTAIN MINES.

(a) INAPPLICABILITY OF AMENDMENTS TO CERTAIN MINES.—

(1) SPECIAL RULE.—The amendments made by this Act shall not apply to—

(A) surface mines, except for surface facilities or impoundments physically connected to—

(i) underground coal or underground metal mines; or

(ii) other underground mines which are gassy mines; or

(B) underground mines which are not coal, metal, or gassy mines.

(2) DEFINITION.—For purposes of this section, the term ''gassy mine'' means a mine, tunnel, or other underground workings in which a flammable mixture has been ignited, or has been found with a permissible flame safety lamp, or has been determined by air analysis to contain 0.25 percent or more (by volume) of methane in any open workings when tested at a point not less than 12 inches from the roof, face of rib.

(b) RULE OF CONSTRUCTION RELATING TO APPLICABILITY OF CERTAIN PROVISIONS TO SURFACE MINES.—Title I is further amended by adding at the end the following:

"SEC. 119. APPLICABILITY OF CERTAIN PROVISIONS TO CERTAIN MINES.

''(a) RULE OF CONSTRUCTION.—With respect to the mines described in subsection (b), this Act as in effect on the date before the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, shall continue to apply to such mines as then in effect.

''(b) APPLICABLE MINES.—

''(1) IN GENERAL.—The mines referred to in subsection (a) are—

''(A) surface mines, except for surface facilities or impoundments physically connected to—

''(i) underground coal or underground metal mines; or

''(ii) other underground mines which are gassy mines; and

''(B) underground mines which are not coal, metal, or gassy mines.

''(2) DEFINITION.—As used in paragraph (1), the term 'gassy mine' means a mine, tunnel,

or other underground workings in which a flammable mixture has been ignited, or has been found with a permissible flame safety lamp, or has been determined by air analysis to contain 0.25 percent or more (by volume) of methane in any open workings when tested at a point not less than 12 inches from the roof, face of rib.

''(c) SAVINGS PROVISION.—Nothing in this section shall impact the authority of the Secretary to promulgate or modify regulations pursuant to the authority under any such provisions as in effect on the date before the date of enactment of the Robert C. Byrd Mine Safety Protection Act of 2010, or shall be construed to alter or modify precedent with regards to the Commission or courts.''.

SEC. 605. PAYGO COMPLIANCE.

The budgetary effects of this Act and the amendments made by 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 California (Mr. GEORGE MILLER) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on H.R. 6495 into the RECORD.

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

There was no objection.

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

Mr. Speaker, the House today considers urgently needed legislation to address life-threatening gaps in our Nation's mine safety laws. Despite progress made over several decades in mine safety, more than 600 miners have been killed on the job in the last 10 years. Most recently, 29 coal miners were killed in a massive explosion in April that killed miners over a 2-mile swath and twisted railcar tracks like pretzels.

Since that tragedy, we have learned a great deal about the systemic weaknesses in mine safety laws. After every major tragedy, promises are made by public officials to miners and their families—to the survivors—that timely action will be taken to make sure that this thing never happens again.

The Robert C. Byrd Mine Safety Protection Act is our chance to finally make a downpayment on that promise.

First, the bill addresses the broken pattern of violation sanctions. With these fixes, those mine operators who repeatedly violate safety standards will be held accountable. Current law on the patterns of violations has so many loopholes that it invites delays and allows some coal mine operators to game the system.

Massey Energy's Upper Big Branch mine was a perfect example of an operator repeatedly skirting the law and putting workers' lives in the crosshairs. The Upper Big Branch mine was subject to 515 violations and to 54 withdrawal orders in 2009, more than any other mine in the country. Red flags were waving about this mine's repeated unwarrantable failures.

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And yet, because Massey indiscriminately appealed many of those violations, it evaded the stronger sanctions that would have improved the conditions and perhaps saved lives.

The bill sets clear and fair criteria to identify mines with significant safety problems and eliminates the incentives for mine owners that game the system. Had this been in place, I believe the 29 miners who lost their lives in the Upper Big Branch mine would be alive today.

Second, the bill gives miners modern protections against retaliation if they speak up about the dangerous conditions under which they work.

Stanley ''Goose'' Stewart was working in the Upper Big Branch mine the day it exploded. He testified twice before the committee about the persistent fear and intimidation faced by workers from the Massey management. He said that in his years working for Massey, they took coal mining back to the early 1900s. He urged us to give miners the ability to stand up to rogue mine operators.

This bill empowers miners to speak up about safety concerns by strengthening whistleblower protection and gives miners the right to refuse to work in unsafe conditions.

Third, many have asked why the Mine Safety and Health Administration failed to close down unsafe mines, such as Upper Big Branch, with repeated violations of the law. This bill clarifies that MSHA can seek a court order to close a mine that engages in a course of conduct that endangers the miners.

Fourth, MSHA lacks sufficient subpoena power for investigation inspections. Under current law, MSHA, the Mine Safety and Health Administration, can only issue subpoenas in the context of witnesses for a public hearing. The legislation gives MSHA the subpoena power it needs for full investigations.

Fifth, miners testified that in many parts of the country MSHA does not inspect mines during weekends or night shifts. This legislation would require that inspections occur on all shifts and days of the week. If inspection times are unpredictable, operators will be motivated to work more safely across all shifts.

Sixth, the bill provides meaningful sanctions against those who intentionally provide advance notice of unannounced mine safety and health inspections. All too often, mine operators call ahead of inspectors and direct that violations be covered up, depriving mine inspectors of the ability to detect unsafe working conditions.

Finally, witnesses told us how safety devices like methane detectors were tampered with so that mining equipment would not automatically shut down and stop production if methane levels got too high. Today, this violation is a mere misdemeanor. Under this legislation, tampering with these devices would be a felony. These reforms will only apply to coal mines, underground mines that release significant amounts of methane and combustible gases, and underground metal mines.

The bill is the result of months of deliberations with stakeholders and experts, including miners, families, academics, State officials, and various sectors of the mining industry. The legislation is part of our ongoing commitment to the families of the Aracoma, Sago, Crandall Canyon, Darby, and, now, Upper Big Branch mine disasters that their loved ones' deaths would not be in vain and their calls for change would be heeded.

The legislation also honors the late Senator Robert C. Byrd, who was a champion of our Nation's miners. After the Sago and Aracoma tragedies, Senator Byrd said, ''if we truly are a moral Nation . . . then these moral values must be reflected in the government agencies that are charged with protecting the lives of our citizens.''

I agree. This legislation redeems that sentiment of Senator Byrd, and I urge my colleagues to support this important legislation.

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

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

On April 5 of this year, tragedy struck Montcoal, West Virginia. On that day, an explosion at the Upper Big Branch coal mine killed 29 miners and provided a stark reminder that coal mining is a profession marked by risk and danger. And while steps have been taken to strengthen protections for miners, this tragedy and others like it remind us that more work remains to be done.

I believe steps can be taken by Federal and State regulators, mine operators, and miners, themselves, to reduce the dangers inherent for those who mine for natural resources that power our Nation. That is why it is with deep regret that I oppose the legislation before us today.

Once again, well-intended reforms addressing a vital issue are being rushed through a flawed process that results in a deeply flawed bill. This is not the way to govern. This is not the way to advance the concerns and interests of the American people, and it is not the way to strengthen important safety protections for miners.

The bill we are considering today under a suspension of the House rules is the wrong response for several important reasons. First, it seeks to create a solution to a problem we do not

fully understand. The explosion at Upper Big Branch resulted in the worst mining disaster in 40 years. Since that time, significant State and Federal resources have been brought to bear to investigate the cause of the incident, help identify weaknesses in existing law, and determine whether current law is being obeyed by mining operators and aggressively enforced by Federal authorities. These are critical questions for which we are still awaiting answers.

The majority's proposal also ignores important steps the Mine Safety and Health Administration has taken in recent months to strengthen standards to existing law. Republicans have consistently called on the Mine Safety and Health Administration to utilize all the tools at its disposal to protect miners and hold bad actors accountable. I am pleased to see the agency is finally beginning to do just that.

As part of its efforts, the Mine Safety and Health Administration has revised the current framework of identifying mines operating with a pattern of violations. For 30 years, this process has been broken. Today, that process has changed, and we are just beginning to see the results. The Mine Safety Administration has reformed the process and has notified more than a dozen mine operators that they are at risk of being placed in a pattern of violations. It is a step in the right direction.

The agency is also implementing new rock dusting standards, issued a proposal to increase the use of personal dust monitors, and is looking at ways to improve the broken conference process. We may question why the agency did not act sooner, but it is important to recognize that steps are being taken today. Congress should not preempt and potentially undercut reforms underway before we have had the opportunity to learn whether they work.

Some of my colleagues may argue that these are simply process arguments that ordinary Americans don't care about. I don't like discussing process any more than the next person, but I think we have learned over the last 2 years that the American people care a great deal about the manner in which Congress conducts its business, because a flawed process results in bad law. Today's legislation is no exception.

The process we are considering today puts punishment before prevention. It is based on the faulty premise that simply increasing penalties can lead to better safety. Our goal is to prevent injuries and illnesses before they occur. Everyone agrees bad actors should face stiff penalties for jeopardizing the safety of miners, but we shouldn't establish a regime that may discourage employers from taking actions they believe to strengthen their worker safety. We can punish bad actors, but we must never lose sight of the fact that promoting safety and preventing hazard should be our first priority.

There are other flaws in the legislation, including a provision that will expand the criminalization of a person's knowing conduct as well as upending, in some cases, the long-established at-will employment doctrine which will insert Federal judges into voluntary hiring and firing decisions of mine operators and their workers.

Last Friday, the majority introduced H.R. 6495 with no advance warning and not consulting with Republicans. Yet here we are days later being told this is the only opportunity Members of the House will have to enhance safety protections for underground miners. Following the same playbook used by the majority time and time again by this majority, we have no opportunity for a full and open debate and no opportunity to offer amendments to fix the errors I have just described. A flawed process is resulting in yet another flawed bill.

On behalf of miners and their families, let me respectfully say they deserve better. I urge my colleagues to oppose this bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia (Mr. RAHALL).

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

Mr. RAHALL. Mr. Speaker, America's courageous, hardworking coal miners have long provided the fuel that powers this Nation. And while doing so, they labor in some of the toughest, most dangerous work environments. For that reason, our Nation has long recognized its duty to ensure their health and safety on the job. God bless our Nation's coal miners.

This year has been a tragic one in our coalfields. We have, to date, lost 48 miners, and we witnessed the worst coal mine disaster in 40 years, already referenced on the floor, losing 29 young lives in one blast in my home county.

We have much work to do in our mine safety system, though I urge my colleagues not to paint the coal industry with too broad a brush. There are many coal companies with admirable safety records, with time and money devoted to keeping their miners safe. Several of them have worked diligently with myself and with Chairman MILLER and the Education and Labor Committee to make improvements to this bill. They are models for the industry and employers everywhere.

I take this moment to salute the chairman of our Education and Labor Committee, GEORGE MILLER, for the manner in which he has worked not only on this legislation but all previous coal mine health and safety legislation as well. Our coal miners, indeed, have a friend in GEORGE MILLER from California.

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However, just as surely as there are good actors that deserve our respect, we must recognize that the safety challenges of coal country will not end with the retirement of any one individual, one so-called ''Dark Lord.'' Unless we remain vigilant while miners labor in harm's way, another Voldemort will rise. We all—industry, government, labor—share a responsibility to rein in those very few bad actors who would put profits before safety.

Critics of this legislation argue that it needs additional wordsmithing, that some provisions need tweaking or trimming out altogether, that we ought to await the results of the current UBB investigation; and I appreciate that perspective. But while many of these criticisms might provide an excuse to vote against the pending bill, none of them outweighs the plain and simple truth confronting this particular Member of Congress.

As the Representative of the district in which the UBB mine is located, I have 29 reasons why I must and why I will vote for this legislation. Indeed, there have been additional deaths since Upper Big Branch, but those individuals I will name: Carl Acord, Jason Atkins, Christopher Bell, Greg Brock, Kenny Chapman, Robert E. Clark, Cory Davis, Timmy Davis, Michael Elswick, William ''Bob'' Griffith, Steve Harrah, Dean Jones, Rick Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, James ''Eddie'' Mooney, Adam Morgan, Rex Mullins, Josh Napper, Howard ''Boone'' Payne, Dillard ''Dewey'' Persinger, Joel ''Jody'' Price, Gary Quarles, Deward Scott, Benny Willingham, Ricky Workman.

I stood vigil with their families—the mothers, the fathers, their sisters, their brothers, their wives, children, and grandchildren. We waited together throughout those anguishing days in the aftermath of that devastating explosion that took these 29 brave individuals too early from this Earth. I prayed with them, I ate with them, and, in the end, I grieved with them. And if I voted against this legislation, my colleagues, that might have saved their loved ones, I could never again look them in the eyes.

Today I will cast my vote for this appropriately named Robert C. Byrd Mine Safety Protection Act. And I will continue to work with my colleagues to address the needs of our coal miners and our coal industry in the weeks and months ahead. Those needs exist, and those needs need to be addressed, and we need to address them—all stakeholders that Chairman MILLER has so well done—all stakeholders working together to, indeed, make our coal mines a safer place in which to work.

Mr. GUTHRIE. Mr. Speaker, I yield 3 minutes to the gentlelady from West Virginia, Mrs. MOORE CAPITO.

Mrs. CAPITO. In the past few years, my home State, West Virginia, has walked with a heavy heart. On numerous occasions, we have bowed our heads in solemn reverence for miners that we have lost in tragedy. We have watched as our small towns and their citizens

have been thrust into the Nation's eye for the most unfortunate reasons. As we've heard, in fact, on April 5 of this year, we suffered the worst mine disaster in more than a generation. An underground explosion swept through at Massey Energy's Upper Big Branch mine, claiming 29 lives, which my colleague from West Virginia just enumerated very eloquently.

Let me be clear, the issue of mine safety is a very personal one to every West Virginian. Our families and our friends are in the mines. When West Virginia loses even a single miner, it affects all of us.

Currently, multiple investigations into the Upper Big Branch mine are still searching for answers and following each small detail that could uncover the answer to a larger mystery. And it is just that, an unsolved investigation. Even today, investigators are hampered by water and are working to clear the mine before they can continue their work.

With these investigations still in progress, we do not know which laws were not followed by the operator, which laws MSHA failed to enforce, and which health and safety laws were simply inadequate. And yet Congress intends to lay out its heavy hand again before our questions are answered and before we know exactly what happened.

The late Senator Robert C. Byrd was a leader in mine safety. After the Sago mine tragedy in my district, the West Virginia delegation gathered in Senator Byrd's office, and we sat together to reach a common agenda. The Senator believed that we were there for a purpose of protecting our miners and that all ideas were welcome at the table.

I wish this Congress would heed the late Senator's values. This bill was rushed to the floor in the last days of this Congress with little notice and some changes made at the last minute. I was heartened a few months ago when Congress began a new discussion on miner safety. I appreciate the chairman of the committee having a field hearing in Beckley and allowing me to attend. So I appreciate that. In fact, there were many bills introduced as a part of that discussion. And, unfortunately, this discussion has been too short and a single bill was green-lighted by a select few.

This bill has been rushed to the floor so it can be checked off a list of accomplishments. I wholeheartedly support the legislation's goal to better protect the health and safety of our Nation's miners, but in this case, we haven't gotten close to the goal. Improving mine safety can only happen when all parties work to get involved or are working together to achieve better results. It is shortsighted and, in essence, a shot in the dark before we see the true facts.

The bill being considered today takes harsh and punitive measures that does little to address mine safety but, rather, introduces dramatic regulatory changes and promotes unnecessary litigation which will hurt those mines and miners operating in good faith on behalf of worker safety. It imposes vague new standards for criminal liability, potentially criminalizing most infractions and subjecting officials to sanctions over which they have no direct control.

Any legislation should look at the industry in total, from the companies to the agencies regulating them, and this bill does not do that. If we are to truly get this right, we need to let the investigations move forward and work for a true mine safety bill that would secure the safety of our miners for generations to come.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), the chair of the subcommittee.

Ms. WOOLSEY. I thank the gentleman for bringing this bill forward.

This is a proud day for me, as an original cosponsor of the Robert C. Byrd Mine Safety Protection Act, because the health and safety of miners is finally receiving the attention that it deserves. With this legislation, we hope to prevent the appalling loss of life that continues to occur in the mining industry. The recent accident at Upper Big Branch mine in West Virginia once again proved this issue is too important to ignore, too devastating to delay.

It is true that working conditions for miners have improved over the years, but too many mine workers are still dying or are becoming ill as a result of incidents that were or are preventible had everyone been following the law. The loss of life and health of a worker is unacceptable. There is much more we can do and must do to keep miners as healthy and safe as possible. These miners and their families deserve to know that when they leave for work in the morning, they will return home that evening to their families and that they will be safe and that they will be healthy. H.R. 6495 accomplishes much of that goal for underground coal mines and gassy mines.

The bill makes it easier to identify and improve conditions at mines with serious and repeated violations and increases maximum criminal penalties for underground coal mines and sanctions on those who knowingly tamper with safety equipment. H.R. 6495 also provides more effective enforcement tools for MSHA, while strengthening whistleblower protections for miners and their families. Bringing mine safety protection into the 21st century provides solutions for better protection of miners throughout this country.

I only regret today that the important provisions from the Protecting America's Workers Act, PAWA, legislation that I introduced to amend the Occupational Safety and Health Act, the OSH Act, are not contained in H.R. 6495, because bringing OSHA into the 21st century would have made a long overdue change to the OSH Act, a law designed to protect the health and safety of millions of nonmining workers throughout the entire Nation.

So, Mr. Speaker, I will continue to support PAWA. But today we're supporting H.R. 6495, which is critical in protecting our miners, and I urge my colleagues to join me in supporting it.

□ 1350

Mr. GUTHRIE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, today I rise in strong support of the Robert C. Byrd Mine Safety Protection Act of 2010 and for the rights of workers all across this great Nation. I would like to begin by thanking Chairman GEORGE MILLER and Chairwoman WOOLSEY for their tireless work on this bill.

As many of you know, I began my career on a factory floor and saw firsthand the inherent dangers that exist in a workplace. It is the dangerous working conditions I saw that continue to drive my commitment to making every workplace in America safe. Compromise is inevitable in Washington, D.C., but keeping our workers safe, healthy, and alive is nonnegotiable. I implore my colleagues on both sides of the aisle to remember that.

It is clear that we can no longer rely on a system of fines and citations to protect our miners. MSHA must have the ability to swiftly shut down unsafe mines in order to save lives. We must end the corporate culture of ''profit at all costs'' that treats workplace safety upgrades as a budget line item rather than a moral and legal priority.

Today, my colleagues, we have the opportunity to stand up and defend the rights and lives of countless American workers, and I ask you to join me in this great but never-ending fight. The bill before us today will overhaul the very system that has failed to provide adequate protections for our mine workers, each and every day, and I say, enough is enough. This bill puts forth commonsense reforms that are long overdue. It holds irresponsible mine operators accountable.

One of the most unforgettable and heartbreaking moments of my congressional career occurred at the Education and Labor Committee hearing on mine safety. During that hearing, a young boy whose father had perished in the Crandall Canyon Mine disaster came up to me and asked me if I could attend one of his soccer games because ''his daddy was in heaven and couldn't go.''

It is for the families like this that we need to put partisan politics aside and pass this critical legislation. Every worker deserves to come home safely at the end of the day, and this bill will go to great lengths to ensure that this is the reality for all of our Nation's mine workers.

I ask my colleagues to join me in standing up for all American workers and supporting this critical legislation.

Mr. GUTHRIE. Mr. Speaker, I continue to reserve.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Thank you, Chairman MILLER, for your leadership on this legislation which deals with issues that are literally a matter of life and death.

After the tragedy at the Upper Big Branch Mine, the committee went to Beckley, West Virginia, to hear directly from the families of the victims. Mr. Speaker, words cannot adequately describe the pain in the room on that day as witness after witness described how their loved ones went reluctantly to work at an unsafe job that ultimately would claim their lives.

This was not the first time we found ourselves sitting across the table from grieving family members who just lost loved ones in a tragedy. In 2007, after the Crandall Canyon Mine collapse, family members came to Washington to appear before the committee, and we heard the same stories.

We know that our mine safety laws are in dire need of improvement. MSHA knows it, and our miners and families know it also. For the miner and his or her family, this bill will make a world of difference, the difference between working in a safe environment or not, and in some cases the difference between coming home or not.

Our mine workers deserve our support. This bill gives support to them. I urge Members to support this.

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

Mr. Speaker, in the days that followed the tragedy at the Upper Big Branch, Republicans joined many Members here on the House floor to mourn this tragedy. Our incoming chairman has said that our Nation would be searching for answers, and our response must follow a comprehensive review of how such a tragic event could have happened.

We had then, as we do today, a responsibility to look at the laws on the books and how those laws are being implemented and followed. We will in due course have the answers to many of those questions, but the rush to legislate means the answers will arrive too late to inform our debate and help ensure we are doing the right thing.

We are all committed to work in good faith to answer tough questions and pursue commonsense reforms that would enhance miner safety. Unfortunately, such a good faith process has not occurred. This legislation was crafted behind closed doors without input from Republican lawmakers concerned with miners' safety and pushed through the Education and Labor Committee.

Today, we are considering a different proposal developed through the same closed process. There has been has been no effort to consider or incorporate Republican ideas for strengthening mine safety. In fact, the majority was so focused on corralling votes with their own caucus that they modified this bill in the dark of night.

Throughout this process, the majority has taken out the carving knives, exempting a mine type here and a mine type there, hoping that the more of the bill they eliminate, the more support they will gather. How can anyone believe this is the best approach to meaningful mine safety?

It is unfortunate that we are here today under these circumstances. As I stated earlier, the miners and their families who deserve strong worker protections also deserve better than this bill. I urge my colleagues to vote ''no'' so we can take the time to understand and respond to the tragedy in the Upper Big Branch Mine.

I yield back the balance of my time.

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

Mr. Speaker, I want to thank the members of our committee, the Education and Labor Committee, who spoke today, Ms. WOOLSEY, who is the subcommittee chair, Mr. HARE, and Ms. SHEA-PORTER, for their commitment to worker safety, whether it is in mines, or construction sites, or factories, or anywhere else in America. They have demonstrated over and over again their commitment to these workers.

I also want to thank Mr. RAHALL for his support of this legislation. He has taught me a great deal, not just about mine safety, but about the culture of the communities that engage in this industry and in this employment and the impact that it has on them and their families when things go so very wrong in the mines with accidents, explosions, fires, and other incidents that take place.

Time and again when I have visited miners they have told me how he has stood with them and their families at the mine site and the accident site, if you will, in their churches, in their homes, out in their cars as they have slept overnight waiting to hear what the impact of the accident might be on their loved ones who are still inside of the mine, and I want to thank him for that kind of concern and for the help in drafting this legislation.

Mr. Chairman and members of the committee, I appreciate that the time is never right for my colleagues on the other side of the aisle to engage in worker safety legislation. The fact is, they or their staff were invited numerous times to participate in the drafting sessions. All they wanted to do was see the language, not participate. This is over an 8-month period of time, the consideration of this legislation, where we met with groups all across the mining community, employers, employees, communities, governors, enforcement agencies, Federal, State and local, and all of that together.

We worked with the mining companies themselves. I am very honored to have two letters, one from Patriot Coal, the CEO of Patriot Coal, and one from the CEO of CONSOL Energy, reflecting on the process that we went through to arrive at this legislation and the improvements that were made.

They were grateful for the extent to which they had been included in this process. I don't say they support this legislation and every item in it. But the fact of the matter is, this was a very open process, and it was open for one reason: Because we wanted the best answers to provide for the safety of these miners and the security of their families.

This bill has the support of those who go into the mines every day. This bill has the support of the families of those who go into the mines every day. Why? Because they know how badly the system has been gamed by mine owners who really don't care about the safety of their workers, of their miners, of the members of their communities.

Unfortunately, it is too many mine owners. It is a small number, but it impacts a huge number of miners who work in those mines, where they disregard the law, where they instruct people to do things that are in violation of the law, where they disrupt the inspection process, where they disrupt the enforcement process. That is how they run their companies.

We have watched it play out on the financial pages of the newspapers. One of the very large mining companies, Massey Energy, struggled with the idea of whether or not they could keep their CEO, who was so strongly identified, so strongly identified, with being against the interests of miners, of working people in violation of the law, of overlooking the safety concerns of their miners. Finally, they decided that he should retire. Unfortunately, they also decided he should go with a very big golden parachute. But the fact of the matter is, this is about protecting miners.

I want to also thank Chairman CONYERS of the Judiciary Committee and Mr. SCOTT of the Judiciary Committee for agreeing to this bill and letting us move it forward before the end of this session.

Finally, I want to thank a gentleman that Mr. RAHALL introduced us to, and that is Stanley ''Goose'' Stewart, who was one of our witnesses who captured the attention of this committee on a bipartisan basis, the Governor of the State, and Senator ROCKEFELLER from the State, as he explained what was going on in this mine to the detriment of the workers, leading to the deaths of these 29 men, and how they were prevented from speaking out, and how they were intimidated, and how people were discharged if they told the truth about what is taking place in the mines.

□ 1400

That's why this legislation is necessary, because there is no other place for these miners to go to get safety. There is no other place for them to go

to get justice. There is no other place for them to go to get enforcement of the law. And it's only the law that keeps them in a safe working place. But, unfortunately, there are still mine owners in this day and age who insist that they have a right to violate that law.

Today if you do it, you get a slap on the wrist. Pass this law and it's a felony. And that's what's, unfortunately, necessary. We've tried it the other way, with self-enforcement. We've tried it the other way, and it hasn't worked. I have interviewed too many families that have lost people in the mine, and the time has come to stop that. I urge my colleagues to support this legislation.

Let's honor the commitments that everybody makes the first 48 hours after one of these tragedies takes place that we are going to make sure it never happens again, but we haven't done it. But this is a big step forward. I thank my colleagues for their consideration of this legislation and urge their support.

Mr. HOLT. Mr. Speaker, I rise today in support of the Robert C. Byrd Mine Safety Protection Act, H.R. 6495.

As a scientist, I have paid some attention to mine safety technology and overall safety standards. I also feel strongly about the concerns of the mining industry because I was born and raised in West Virginia, where my father many years ago as a U.S. Senator, was known as one of the best friends a miner ever had.

Today, coal mining is rated among the most dangerous jobs in America. It does not have to be that way. In the wake of the Sago, Darby, Crandall Canyon, and the recent Big Branch mine tragedy, I was pleased to work with Chairman MILLER on the Committee on Education and Labor to write legislation that will hold negligent mine operators accountable and help the Mine Safety and Health Administration, MSHA, avoid future tragedies.

The Robert C. Byrd Mine Safety Protection Act would help make underground mines with long histories of serious and repeat violations safer. This bill would increase the maximum penalties for those who tamper with or disable safety equipment and replace the flawed "pattern or violations" sanction system with a rehabilitation program that is supported by mine workers and mine owners. Importantly, this bill protects miner's rights to blow the whistle when they know unsafe conditions exist.

My good friend Cecil Roberts, the International President of the United Mine Workers of America, wrote to us in support of this bill and to remind us that 48 coal miners have died this year. Further, 600 mine workers have lost their lives in the last decade "and thousands more have died from the crippling consequence of exposure to respirable coal dust—exposure resulting from chronic violation of existing standards."

Today we are updating our nation's laws to protect mine workers, make mines safer, and strengthen penalties for mine owners who put their workers in needless danger. We are doing this in memory of the coal miners who have lost their lives, to keep faith with their families, and to protect the lives of miners who still go to work every day.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ETHERIDGE). The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 6495, 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. GUTHRIE. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: adoption of House Resolution 1752, by the yeas and nays; and suspending the rules with regard to H.R. 6495, by the yeas and nays; H. Res. 1402, de novo; and H. Res. 1704, de novo.

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

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

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 1752) 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, 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 resolution.

The vote was taken by electronic device, and there were—yeas 215, nays 194, not voting 24, as follows:

[Roll No. 615]

YEAS—215

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

NAYS—194

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Cao
Capito
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis

Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Space
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Berry
Bilbray
Blunt
Camp
Cohen
Conyers
Delahunt
Fallin
Gordon (TN)
Granger
Griffith
Hoekstra
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMahon
McMorris Rodgers
Mollohan
Obey
Quigley
Radanovich
Smith (NJ)
Tiahrt
Waters

□ 1433

Messrs. NEUGEBAUER, BRADY of Texas, ISSA, and BARTON of Texas changed their vote from ''yea'' to ''nay.''

Mr. OLVER 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.

ROBERT C. BYRD MINE SAFETY PROTECTION ACT OF 2010

The SPEAKER pro tempore (Mr. CUELLAR). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6495) to improve compliance with mine safety and health laws, empower miners to raise safety concerns, prevent future mine tragedies, 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 California (Mr. GEORGE MILLER) 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 214, nays 193, not voting 26, as follows:

[Roll No. 616]

YEAS—214

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

NAYS—193

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berkley
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyd
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
Costa
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Tanner
Terry
Thompson (PA)
Thornberry
Tiberi
Titus
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Berry
Bilbray
Blunt
Boucher
Cohen
Delahunt
Fallin
Garrett (NJ)
Gordon (TN)
Granger
Griffith
Hill
Hoekstra
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
Marshall
McMahon
McMorris Rodgers
Mollohan
Nadler (NY)
Oberstar
Quigley
Radanovich
Roskam
Tiahrt

□ 1441

Mr. POMEROY changed his vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

RECOGNIZING 50TH ANNIVERSARY OF NATIONAL COUNCIL FOR INTERNATIONAL VISITORS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1402) recognizing the 50th anniversary of the National Council for International Visitors, and expressing support for designation of February 16, 2011, as ''Citizen Diplomacy Day,'' 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 Florida (Mr. KLEIN) 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. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 394, noes 13, answered ''present'' 1, not voting 25, as follows:

[Roll No. 617]

AYES—394

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
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
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
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
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
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
Kilroy
Kind
King (IA)
King (NY)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—13

Bartlett
Barton (TX)
Bilirakis
Broun (GA)
Burton (IN)
Chaffetz
Flake
Graves (GA)
Kingston
Paul
Poe (TX)
Westmoreland
Young (AK)

ANSWERED ''PRESENT''—1

Gohmert

NOT VOTING—25

Berry
Bilbray
Blunt
Cohen
Delahunt
Deutch
Ellison
Ellsworth
Fallin
Gordon (TN)
Granger
Griffith
Hill
Hoekstra
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Quigley
Radanovich
Rogers (AL)
Tiahrt
Velázquez
Walz

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1449

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.

Stated for:

Mr. DEUTCH. Mr. Speaker, during rollcall vote No. 617 on H.R. 1402, I was unavoidably detained. Had I been present, I would have voted "aye."

HONORING 2500TH ANNIVERSARY OF BATTLE OF MARATHON

THE SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1704) honoring the 2500th anniversary of the Battle of Marathon, 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 Florida (Mr. KLEIN) 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. GARAMENDI. 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 359, noes 44, answered ''present'' 5, not voting 25, as follows:

[Roll No. 618]

AYES—359

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fleming
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gonzalez
Goodlatte
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre

McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
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
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—44

Bartlett
Barton (TX)
Broun (GA)
Brown-Waite, Ginny
Campbell
Cantor
Cassidy
Chaffetz
Conaway
Davis (KY)
Emerson
Flake
Fortenberry
Gingrey (GA)
Graves (GA)
Graves (MO)
Heller
Herger
Johnson (IL)
Jones
Jordan (OH)
Kind
King (IA)
Lee (NY)
Lummis
Mica
Miller (FL)
Miller (MI)
Nunes
Paul
Rehberg
Roe (TN)
Rogers (MI)
Rooney
Schock
Sensenbrenner
Shimkus
Simpson
Smith (NE)
Stutzman
Taylor
Terry
Westmoreland
Young (AK)

ANSWERED ''PRESENT''—5

Gohmert
Hall (NY)
Marshall
Murphy (NY)
Owens

NOT VOTING—25

Berry
Bilbray
Blunt
Capito
Chu
Cohen
Conyers
Delahunt
Ellsworth
Fallin
Garrett (NJ)
Gordon (TN)
Granger
Griffith
Hill
Hoekstra
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Moore (KS)
Pingree (ME)
Radanovich
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1456

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.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3082, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–675) on the resolution (H. Res. 1755) providing for consideration of the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1755 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1755

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

□ 1500

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1755.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, H. Res. 1755 provides for consideration of the Senate amendment to H.R. 3082. The rule makes in order a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment to H.R. 3082 with the amendment printed in the report of the Committee on Rules accompanying the resolution.

The rule provides 1 hour of debate on the motion, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the motion. Finally, the rule provides that the Senate amendment and the motion shall be considered as read.

Mr. Speaker, today the House will consider the FY 2011 continuing resolution legislation that will fund the Federal Government for the remainder of fiscal year 2011. Additionally, this bill contains the food safety bill, as passed by the Senate, with minor technical corrections.

I am grateful to Mr. OBEY and Mr. DINGELL for their incredible leadership. Both these measures need to be passed. I urge my colleagues to support the rule and the underlying legislation.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MCGOVERN), my friend, for yielding me such time as I may consume today. And I want to thank the gentleman for the considerations that he has given me personally and professionally over the last year, and I would wish him the very best in this holiday season.

Mr. Speaker, I rise today in strong opposition to this completely closed rule and to the ill-conceived underlying legislation. Week after week, my friends on the other side of the aisle continue to bulldoze their massive spending and overregulations bill to the floor of the House with no Republican input and no regular order. As a matter of fact, even today at least one Member of the Democratic Party showed up with a darn good idea, and it was slam-dunked ''no'' on a party-line basis. By the way, the Republicans voted for that good idea.

What was promised 4 years ago was that this House would be the most open, honest, and ethical Congress, by our current Speaker PELOSI when she took the gavel. But this has been the most closed, secretive, one-sided, and flawed Congress, I believe, in history, matching the previous Congress.

The American people asked for change, and I think they got far worse in the election to elect this current Congress. They received a Democrat Congress that didn't listen to the American people and a Congress that acts on its own interests and not the interests of the American people or the taxpayer. And that's why we suffer from such low numbers of support by the American people.

Mr. Speaker, soon that, however, will change. But today it is more of the same, and I am here to discuss the rule for the continuing resolution, known

as a CR, for fiscal year 2011. It also includes the food safety bill which has been attached to that CR. So it is not a clean bill. My colleagues and I have not even had 24 hours to review the text of this legislation. This legislation, once again, continues to overspend and overregulate, a common theme over the last two Congresses. And we won't even use regular order to establish the process.

The underlying legislation is a CR to keep the government running through the rest of this fiscal year. The President has not signed one appropriations bill into law for this fiscal year, and our friends, the majority Democrats, have provided no budget. So this is their last-ditch effort to provide funding to keep the government running. Over the past 3 years, nondefense, nonhomeland security, and nonveterans affairs discretionary spending has increased by a staggering 88 percent. In the meantime, the Nation's debt has risen to $13.5 trillion—and that means that there is an additional $4.5 billion in deficit spending every single day. There have been back to back yearly record deficits day after day after day. The unemployment rate has risen—it is now at 9.5 percent—for 18 consecutive months. I might add that it rose to 9.8 percent in the latest economic report.

This CR does nothing to reverse this trend and, instead, continues the unsustainable high rate of spending passed by the Democrat majority, aided by, supported, and abetted by the President of the United States, our President, Barack Obama. This includes more spending for Federal agencies that already had seen huge dollar increases with the stimulus bill in 2009.

Mr. Speaker, my Republican colleagues and I have pledged to cut nonsecurity spending back to the fiscal levels of 2008, which would save the American taxpayers nearly $100 billion for what will end up being the next year of spending. Mr. Speaker, I believe that any responsible action by this House of Representatives should have been and should be to avoid raising the debt limit by making tough decisions today to avoid placing our children and our grandchildren in a further diminished position.

Mr. Speaker, I believe the American people, as they look at their own personal circumstances and as they look at the irresponsibility out of Washington, unfortunately continue to see taxing, borrowing, and spending as a national problem. And that has brought us nothing but the results of higher unemployment, more debt, more bankruptcy, more homes being lost, and more debt. Americans have called for this endless spree to end and for an era of fiscal discipline. I think, once again, even though we are after the election, that message continues to fall on deaf ears again today.

This country needs leaders who are willing to make tough decisions, fiscal decisions that will empower not only economic stability but also bring back to the American people jobs, the opportunity for them to be in a competitive marketplace and to understand that America must have jobs if we are going to provide our children and grandchildren with the future that they can believe in.

Once again, it is the Congress of the United States that continues to lead the effort of us towards higher deficits, higher unemployment, and higher problems for people back home. We disagree with that.

Mr. Speaker, as if the rampant spending wasn't enough, my colleagues, once again on the other side of the aisle, had to add what I consider to be an unfair and overregulated Senate food safety bill to the underlying legislation. Republicans remain committed to legislation that ensures the safety and security of America's food. However, this legislation comes at a heavy toll on producers and does virtually nothing to hold Federal bureaucrats accountable for their role in preventing food-borne illnesses. Oh, I'm sure we are going to hear about the number of people who get sick every year. We are going to blame everything on food processors and that process when, in fact, what we need to do is put rules and regulations in place that will better people's lives, and to allow the Federal Government to effectively work with consumers. That's not what this food safety bill does.

The food safety measures in the underlying bill impose significant regulatory and cost burdens on the food processing and food producing system.

□ 1510

It increases costs for food producers and, ultimately, consumers and does not require the Federal Drug Administration to spend one additional penny on the inspection of food for safety purposes.

The bill expands the FDA's authority to dictate on farm production practices and performance standards. This means Congress is about to give the FDA, who is already overworked and has limited resources and even less expertise, the specific power to dictate to U.S. farmers how best to farm. Our Nation's farmers do not need more Federal Government bureaucrats who sit behind a desk in Washington telling them how to do their job.

Additionally, this legislation institutes and expands registration requirements for food processing facilities, which essentially amounts to a Federal license to be in the food business. This would make it unlawful to produce food without a registration license, allowing the FDA to suspend a company's registration, once again a big Federal empowered government in Washington, D.C., at the expense of jobs and the price that consumers have to pay.

Like any Federal agency, the FDA makes mistakes, yet this bill does nothing to ensure agriculture producers don't take massive financial losses caused by the mistake of the FDA. For example, in 2008 when the FDA mistakenly attributed an outbreak of salmonella to tomatoes, it cost the industry $100 million.

Mr. Speaker, there is no way for us to legislate out of Washington, and there is no way to ensure that the FDA will not make such mistakes again in the future and wrongly implicate agriculture processing to food-borne disease outbreaks that can once again cause severe economic losses to the farmers and ranchers of America who cannot only not afford them, but who produce the highest quality of safety products anywhere in the world to American consumers. This is not going to be addressed properly in this legislation. It is simply about empowering Federal bureaucrats in Washington, D.C.

In an article in The Wall Street Journal from December 2, 2010, related to the food safety bill, it states that ''food-borne illnesses have fallen by nearly one-third over the last decade, largely because businesses have already every incentive to police themselves.'' Yet this legislation gives the FDA new powers over the 2.2 million farms and the 28,000 food producers in America.

In true fashion, my Democrat colleagues continue to push their own agenda, overwhelming the American consumer. They have shut out Republicans over the last 4 years, and they continue to shut out common sense and the American people. Continuing on the path of reckless government spending will only put the United States further in debt, burdening future generations.

Mr. Speaker, we disagree with taxing, spending, and overregulating. Overregulation that increases costs to consumers and food producers will add just another fiscal restraint on families, not just in the congressional district that I represent, but all across this country. Congress must do a better job. We tax too much, we spend too much, we regulate too much, and we listen too little in this Congress.

Mr. Speaker, I think you can count me in that I oppose this rule and the underlying legislation.

I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to say to the gentleman from Texas, I thank him for his views. We always appreciate hearing his unique point of view. I thought that the election ended several weeks ago, but apparently it hasn't.

But I would just like to say for the record that we are in a difficult economy in large part because of the policies that were pursued by my friends on the other side of the aisle. We are in this debt that we are in now in large part because of tax cuts for mostly wealthy people that were not paid for; they took Bill Clinton's surplus and turned it into a deficit; a Medicare prescription drug bill that was double, triple the cost that it was advertised to be, not paid for; and two wars that are not paid for.

On top of that, when they were in charge, they let the financial industries do whatever the heck they wanted to do. They did, and they stuck it to the American people, and we are now trying to dig ourselves out of this economy.

I am sorry the gentleman is not for safer food safety measures, but let me just point out for the record that while the food supply in the United States is one of the safest in the world, each year about 76 million illnesses occur, more than 300,000 persons are hospitalized, and 5,000 die from food-borne illnesses.

An increasing portion of our food now comes from overseas, I am sad to say. Our food safety system was designed 100 years ago and was appropriate for a world in which most of our food was grown and processed domestically. Meanwhile, the FDA has struggled in recent years with outbreaks of food-borne illnesses and nationwide recalls of contaminated food from both domestic and foreign sources.

The food safety bill that we will be voting on today modernizes our food safety system to better prevent food-borne illness and respond to outbreaks. I can't believe that a food safety bill designed to protect the American people is somehow controversial, but everything that we propose, everything that this President has proposed they are against, so there is nothing new here.

Again, I would urge my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, as a matter of fact, I think the gentleman from Massachusetts is right. Much of what this President does propose and in these last two Congresses what they proposed, Republicans have objected to them, and it is for a simple reason: We don't want to support the things that don't work. We want to support the things that will help the American people not only to have a better economy and to take care of themselves, but we are not for growing the size of the Federal Government that is in our lives now, a food safety bill that will do what I believe is quite the reverse but will be expensive and will come at the cost of consumers bettering their ability to have a safe food chain.

Mr. Speaker, I would like to yield 3 minutes to the gentleman from Cheyenne, Oklahoma (Mr. LUCAS).

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

Mr. LUCAS. Mr. Speaker, I rise in opposition to this rule on the continuing resolution.

Mr. Speaker, among other things, I object to the inclusion of Senate language from S. 1510, the Food Safety Modernization Act.

Let me be perfectly clear: I believe our Nation has the safest food supply in the world. What we have here is another expansion of Federal power without benefit of thorough consideration. This is the stimulus package, cap-and-trade, ObamaCare all over again.

Members of the House Agriculture Committee have stood ready and willing to work on this legislation. Despite this, the present majority leadership tried to pass this under suspension of the rules and lost. Failing to learn the lesson of that vote, they then secured a closed rule and essentially rammed it through the House.

Now, in the closing days of this Congress, the Senate has sent us their version on a take-it-or-leave-it basis and included revenue provisions that, under the Constitution, must originate in the House. Faced with this dilemma, once again the present House leadership has chosen to short-circuit the legislative process by sticking this legislation on the continuing resolution.

This is the sort of nonsense that Americans rejected just a few weeks ago. Why isn't the present majority leadership listening?

Now, for sure, we may have differences. However, I am confident that an open and deliberative process would allow us to resolve these differences. Unfortunately, the present leadership has chosen a path that denies the minority the opportunity to participate. I am certain this is not how they would like to be treated.

Mr. Speaker, anyone who follows the current events knows that our food production system faces ongoing food safety challenges. I just want to serve notice that I stand ready to work with my colleagues to address those challenges. I must ask my colleagues to vote ''no'' on the rule so that we can address those issues in regular order.

□ 1520

Mr. SESSIONS. In closing, Mr. Speaker, I want to thank the gentleman, Mr. LUCAS, the gentleman who was selected today by the new Republican majority this next Congress to be the Agriculture Committee chairman. The gentleman, Mr. LUCAS, spoke very clearly not only on behalf of farmers and ranchers across this country, but really on behalf of a group of people who are in the food chain of this country, who all the way up through grocery stores and providers of content make sure that the food safety lines of this country are properly taken care of.

There are so many food workers all across this country who have established not only high standards as a result of their advocacy for not just their job, but the greatest opportunity around the world for us to make sure that consumers get the benefit of clean food, the opportunity to know more about not only the caloric intake, but to make sure that the value of our food is held for consumers at a proper price.

The gentleman, Mr. LUCAS, has noted a number of times on the floor that this industry, the agricultural industry, and the supermarket industry really have taken steps to ensure that their products are not only safe and secure, but that consumers have an opportunity to understand how to utilize those products when they receive those products from a store, perhaps, or where they buy their products. And this is part of that chain that I believe that this legislation just misuses. And consumers, through their ability to use food, whether it's refrigeration, whether it's in cooking procedures, whether it's mixing these products, how they would hold these out certainly has a lot to do with the food safety and the aspects that come as a result of that.

Mr. Speaker, you have heard me say it over and over, but the American people I think expect something better and different. I must confess that in the near future that what we will do when Republicans come to the floor this next Congress starting January 5, we will take the legislation and run it through committees. We will include feedback and ideas from not just Republicans, but also the Democrats who want to be a part of this process, who get up and come to this town to represent their people, people who have elected them, people who have confidence in the way we do things.

Taxing, spending, overregulating is not the way that this Congress should run; and the American people feel that, unfortunately, so plainly. Today all the way to the end, it is yet another example about how the American people see because they hear firsthand about overregulation, excessive spending, and continuation of more of the same.

So, Mr. Speaker, I would ask my colleagues to vote ''no'' on the underlying legislation, to vote ''no'' to stop the reckless fiscal policies that not only Speaker PELOSI but the Democratic Party have pursued over the last 4 years. Irresponsible not only in terms of the fiduciary responsibility that they had to openly discuss with the American people, the appropriations process, the budgeting process, but perhaps more importantly, I believe what is the responsibility of this body to work effectively as a purveyor of the taxpayer money in working with the administration.

All we have done is send them a signal, you go spend all the money you want, we will make it available to you, rather than an understanding of the give and take of the expectations of performance by the American people of where each of these dollars should be spent and what we should expect back in return. I think it's always bad when a blank check that's filled in is given to somebody without an understanding of that. The United States Government should not allow this. That will change.

A vote ''no'' is going to allow farmers and food producers also, because this bill is together, it's going to take away their rights, it's going to add more rules and regulations, it's going to add more government interference, it's going to get in the way of what I believe is a food safety issue.

It's time to end the idea of big government and big spending. We are here on the floor again to make sure that the American people understand this, that there is a group of people who will certainly see things differently.

But I would like to say, Mr. Speaker, we will show up with better ideas. Get ready, hope is on the way.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman again for his comments and congratulate him and his party for their election victory. I look forward to voting for nothing but open rules next year. I also just want to say that we need to pass this rule so we can pass the continuing resolution, which is important, and to pass this food safety bill.

And, again, I am baffled by the controversy. Anybody who has watched the news over the last several years remembers tainted spinach, tainted eggs, recall after recall after recall. The fact is that our food safety system in this country needs to be strengthened and modernized. Everybody knows that.

I began my presentation today by listing the thousands and thousands and thousands of people who get sick each year from tainted food. And my friends on the other side of the aisle stand up, and they are standing with the special interests rather than with the consumer. And I worry, quite frankly, about the direction of this Congress, because they are heart and soul with the corporate special interests, and they neglect time and time again the average consumer, the average worker. And that is what this bill is about, to protect the consumer from tainted food that we get from other countries. Why is this so controversial? I don't know.

So having said that, Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

Mr. STUPAK. Mr. Speaker, I rise in support of this rule and particularly the FDA Food Safety Modernization Act.

I want to thank Chairmen DINGELL, WAXMAN and PALLONE as well as the leadership for making this important legislation a priority.

The FDA Food Safety Modernization Act will provide the FDA with some of the resources and authorities it needs to effectively monitor our nation's food supply and prevent outbreaks of food borne illness.

As chairman of the Subcommittee on Oversight and Investigations, I have held 13 food safety hearings over the past four years examining the failures of the FDA and the food industry to protect our nation's food supply.

The findings of these investigations and related hearings highlighted the need for the first major overhaul of our food safety law in 70 years! Among its key provisions, the bill would establish a national food tracing system and provide the FDA with recall authority.

This food safety bill is not perfect but it is a dramatic improvement over current law. I urge the next Congress to look closely at providing the FDA a dedicated revenue stream for inspections, requiring country-of-origin labeling and finally giving the FDA the subpoena power it so badly needs.

Despite the lack of these provisions, this food safety bill is a good bill and one that deserves to be passed by the Congress and signed into law this year.

Mr. MCGOVERN. 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 ayes appeared to have it.

Mr. SESSIONS. 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 1755 will be followed by 5-minute votes on motions to suspend the rules on H.R. 4501, by the yeas and nays; and House Resolution 1746, de novo.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 21, as follows:

[Roll No. 619]

YEAS—207

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

NAYS—206

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

NOT VOTING—21

Berry
Bilbray
Blunt
Buyer
Cohen
Davis (AL)
Delahunt
Ellsworth
Fallin
Gordon (TN)
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Radanovich
Rush
Tiahrt
Wu

□ 1601

Messrs. BOEHNER, NADLER of New York, CONYERS, SCOTT of Virginia, BOYD, THOMPSON of California, and WATT changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GUARANTEE OF A LEGITIMATE DEAL 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. 4501) to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website, 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 New York (Mr. WEINER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 324, nays 81, not voting 28, as follows:

[Roll No. 620]

YEAS—324

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (NY)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
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
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
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
Yarmuth

NAYS—81

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Cao
Carter
Cassidy
Coffman (CO)
Conaway
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Graves (GA)
Hall (TX)
Heller
Hoekstra
Hunter
Inglis
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Lamborn
Lance
Latta
Linder
LoBiondo
Lungren, Daniel E.
McCarthy (CA)
McClintock
McCotter
Myrick
Neugebauer
Nunes
Olson
Paul
Pence
Petri
Platts
Poe (TX)
Posey
Price (GA)
Rehberg
Rooney
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Wamp
Westmoreland
Young (AK)
Young (FL)

NOT VOTING—28

Berry
Bilbray
Blunt
Boehner
Buyer
Capps
Cleaver
Cohen
Davis (AL)
Delahunt
Ellsworth
Fallin
Garamendi
Gordon (TN)
Granger
Griffith
Jones
Kaptur
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Radanovich
Ros-Lehtinen
Rush
Tiahrt
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1609

Ms. FOXX changed her vote from ''yea'' to ''nay.''

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.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 620, had I been present, I would have voted "yea."

RECOGNIZING EFFORTS OF WELCOME BACK VETERANS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1746) recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans' Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders, 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 Indiana (Mr. DONNELLY) 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. QUIGLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 24, as follows:

[Roll No. 621]

AYES—409

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
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccieri
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
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello

Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
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
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
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
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
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
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Berry
Bilbray
Blunt
Boehner
Buyer
Cohen
Critz
Davis (AL)
Delahunt
Ellsworth
Fallin
Garamendi
Granger
Griffith
Jones
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Radanovich
Rush
Tiahrt
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1617

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.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 1755, I call up the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

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

The text of the Senate amendment is as follows:

Senate amendment:

H.R. 3082

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,477,673,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $191,573,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,548,771,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $176,896,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,213,539,000, to remain available until September 30, 2014, of which $9,800,000 shall be for an Aircraft Fuel Systems Maintenance Dock at Columbus AFB, Mississippi: Provided, That of this amount, not to exceed $106,918,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,069,114,000, to remain available until September 30, 2014: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $142,942,000 shall be available for study, planning, design, and architect

and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $497,210,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $297,661,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $379,012,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $64,124,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $47,376,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $276,314,000, to remain available until expended: Provided, That of the amount appropriated, not to exceed $41,400,000 shall be available for the United States share of the planning, design and construction of a new North Atlantic Treaty Organization headquarters.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $273,236,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $146,569,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $66,101,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, as authorized by law, $2,859,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,214,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $373,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $151,541,000, to remain available until September 30, 2014, which shall be only for the Assembled Chemical Weapons Alternatives program: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled ''Military Construction Projects Listing by Location'' in the report accompanying this Act.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $421,768,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $7,479,498,000, to remain available until expended: Provided, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days

prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided furtherThat this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term ''host country'' means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the

Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 127. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within that account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report accompanying this Act, and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

SEC. 128. (a) During each of fiscal years 2010 through 2014, the Secretary of Defense shall submit to the congressional defense committees a report analyzing alternative designs for any major construction projects requested in that fiscal year related to the security of strategic nuclear weapons facilities.

(b) The report shall examine, with regard to each alternative—

(1) the costs, including full life cycle costs; and

(2) the benefits, including security enhancements.

SEC. 129. Not later than each of April 15, 2010, July 15, 2010, and October 15, 2010, the Secretary of Defense shall submit to the congressional defense committees a consolidated report from each of the military departments and Defense agencies identifying, by project and dollar amount, bid savings resulting from cost and scope variations pursuant to section 2853 of title 10, United States Code, exceeding 25 percent of the appropriated amount for military construction projects funded by this Act, the Supplemental Appropriations Act, 2009 (Public Law 111–32), and the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329), including projects funded through the regular military construction accounts, the Department of Defense Base Closure Account 2005, and the overseas contingency operations military construction accounts.

SEC. 130. (a) Of the funds appropriated or otherwise made available by this title under the heading ''DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005'', $450,000 shall be available for the Secretary of Defense to enter into an arrangement with the National Academy of Sciences to conduct a study through the Transportation Research Board of Federal funding of transportation improvements to accommodate installation growth associated with the 2005 Defense Base Closure and Realignment (BRAC) program.

(b) The study conducted pursuant to subsection (a) shall—

(1) examine case studies of congestion caused on metropolitan road and transit facilities when BRAC requirements cause shifts in personnel to occur faster than facilities can be improved through the usual State and local processes;

(2) review the criteria used by the Defense Access Roads (DAR) program for determining the eligibility of transportation projects and the appropriate Department of Defense share of public highway and transit improvements in BRAC cases;

(3) assess the adequacy of current Federal surface transportation and Department of Defense programs that fund highway and transit improvements in BRAC cases to mitigate transportation impacts in urban areas with preexisting traffic congestion and saturated roads;

(4) identify promising approaches for funding road and transit improvements and streamlining transportation project approvals in BRAC cases; and

(5) provide recommendations for modifications of current policy for the DAR and Office of Economic Adjustment programs, including funding strategies, road capacity assessments, eligibility criteria, and other government policies and programs the National Academy of Sciences may identify, to mitigate the impact of BRAC-related installation growth on preexisting urban congestion.

(c) The Secretary of Defense shall enter into an arrangement with the National Academy of Sciences to provide the study conducted pursuant to subsection (a) by not later than 45 days after the date of the enactment of the Act.

(d)(1) Not later than May 15, 2010, the National Academy of Sciences shall provide an interim report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

(2) Not later than January 31, 2011, the National Academy of Sciences shall provide a final report of its findings to the Secretary of Defense and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.

SEC. 131. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, AIR FORCE'' is hereby increased by $37,500,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, AIR FORCE'', as increased by paragraph (1), $37,500,000 shall be available for construction of an Unmanned Aerial System Field Training Complex at Holloman Air Force Base, New Mexico.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3692) under the heading ''MILITARY CONSTRUCTION, AIR FORCE'' and available for the purpose of Unmanned Aerial System Field Training facilities construction, $38,500,000 is hereby rescinded.

SEC. 132. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' is hereby increased by $68,500,000, with the amount of such increase to remain available until September 30, 2014.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'', as increased by paragraph (1), $68,500,000 shall be available for the construction of an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii.

(b) Of the amount appropriated or otherwise made available by title I of the Military Construction and Veterans Affairs Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3692) under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE'' and available for the purpose of European Ballistic Missile Defense program construction, $69,500,000 is hereby rescinded.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies

guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $47,218,207,000, to remain available until expended: Provided, That not to exceed $29,283,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $8,663,624,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $49,288,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2010, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $165,082,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $29,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $328,000, which may be paid to the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $664,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical support and compliance'' may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $34,704,500,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed $1,600,000,000 shall be available until September 30, 2011: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,100,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,849,883,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2011: Provided, That $100,000,000 for non-recurring maintenance provided under this heading shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $580,000,000, plus reimbursements, to remain available until September 30, 2011.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,000,000, of which not to exceed $24,200,000 shall be available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $2,086,251,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,689,207,000: Provided further, That of the funds made available under this heading, not to exceed $111,000,000 shall be available for obligation until September 30, 2011: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,307,000,000, plus reimbursements, to be available until September 30, 2011: Provided, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the Operations and Maintenance and Salaries and Expenses costs to be carried out utilizing amounts made available by this heading: Provided further, That of the amounts appropriated, $800,485,000 may not be obligated or expended until the Secretary of Veterans Affairs

or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts specified in the certification with respect to development projects under the preceding proviso shall be incorporated into the reprogramming base letter with respect to development projects funded using amounts appropriated by this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $109,000,000, of which $6,000,000 shall be available until September 30, 2011.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,194,000,000, to remain available until expended, of which $16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $685,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $115,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $42,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'' and ''Medical facilities'' accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfer to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $34,158,000 for the Office of Resolution Management and $3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That

payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the ''General operating expenses'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $1,000,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account: Provided, That, for fiscal year 2010, $200,000,000 deposited in the Department of Veterans Affairs Medical Care Collections Fund shall be transferred to ''Medical Facilities'', to remain available until expended, for non-recurring maintenance at existing Veterans Health Administration medical facilities: Provided further, That the allocation of amounts transferred to ''Medical Facilities'' under the preceding proviso shall not be subject to the Veterans Equitable Resource Allocation formula.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Community Health Centers in rural Alaska, Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses'', and ''National Cemetery Administration'' accounts for fiscal year 2010, may be transferred to or from the ''Information technology systems'' account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the ''Information technology systems'' account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred to and merged with amounts available under the ''Compensation and pensions'' account, and receipts that would otherwise be credited to the accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors program shall be credited to amounts available under the ''Compensation and pensions'' account.

SEC. 223. The Department shall continue research into Gulf War illness at levels not less than those made available in fiscal year 2009, within available funds contained in this Act.

SEC. 224. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 225. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 226. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the ''Medical Facilities'' account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of the fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 227. Section 1925(d)(3) of title 38, United States Code, is amended by striking ''appropriation 'General Operating Expenses, Department of Veterans Affairs' '', and inserting ''appropriations for 'General Operating Expenses and Information Technology Systems, Department of Veterans Affairs' ''.

SEC. 228. Section 1922(a) of title 38, United States Code, is amended by striking ''(5) administrative costs to the Government for the costs of'', and inserting ''(5) administrative support performed by General Operating Expenses and Information Technology Systems, Department of Veterans Affairs, for''.

SEC. 229. (a) ADDITIONAL AMOUNT FOR STATE VETERANS CEMETERIES.—The amount appropriated by this title under the heading ''GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES'' is hereby increased by $4,000,000.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading ''GENERAL OPERATING EXPENSES'' is hereby decreased by $4,000,000.

SEC. 230. (a)(1)(A) Of the amount made available by this title for the Veterans Health Administration under the heading ''MEDICAL SERVICES'', $1,500,000 shall be available to allow the Secretary of Veterans Affairs to offer incentives to qualified health care providers working in underserved rural areas designated by the Veterans Health Administration, in addition to amounts otherwise available for other pay and incentives.

(B) Health care providers shall be eligible for incentives pursuant to this paragraph only for the period of time that they serve in designated areas.

(2)(A) Of the amount made available by this title for the Veterans Health Administration under the heading ''MEDICAL SUPPORT AND COMPLIANCE'', $1,500,000 shall be available to allow the Secretary of Veterans Affairs to offer incentives to qualified health care administrators working in underserved rural areas designated by the Veterans Health Administration, in addition to amounts otherwise available for other pay and incentives.

(B) Health care administrators shall be eligible for incentives pursuant to this paragraph only for the period of time that they serve in designated areas.

(b) Not later than March 31, 2010, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the House of Representatives a report detailing the number of new employees receiving incentives under the pilot program established pursuant to this section, describing the potential for retaining those employees, and explaining the structure of the program.

SEC. 231. (a) NAMING OF HEALTH CARE CENTER.—Effective October 1, 2010, the North Chicago Veterans Affairs Medical Center located in

Lake County, Illinois, shall be known and designated as the ''Captain James A. Lovell Federal Health Care Center''.

(b) REFERENCES.—Any reference to the medical center referred to in subsection (a) in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Captain James A. Lovell Federal Health Care Center.

SEC. 232. Section 315(b) of title 38, United States Code, is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 233. Of the amount appropriated or otherwise made available by this title under the heading ''MEDICAL SERVICES'', $150,000,000 may be available for the grant program under section 2011 of title 38, United States Code, and per diem payments under section 2012 of such title.

SEC. 234. Of the amounts appropriated or otherwise made available by this title for the Department of Veterans Affairs, up to $5,000,000 may be available for the study required by section 1077 of the National Defense Authorization Act for Fiscal Year 2010.

SEC. 235. (a) CAMPUS OUTREACH AND SERVICES FOR MENTAL HEALTH AND NEUROLOGICAL CONDITIONS.—Of the amounts appropriated or otherwise made available by this title, $5,000,000 may be available to conduct outreach to and provide services at institutions of higher education to ensure that veterans enrolled in programs of education at such institutions have information on and access to care and services for neurological and psychological issues.

(b) SUPPLEMENT NOT SUPPLANT.—The amount described in subsection (a) for the purposes described in such subsection is in addition to amounts otherwise appropriated or made available for readjustment counseling and related mental health services.

SEC. 236. In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs may permit a State home to provide services to, in addition to nonveterans described in such section, a non-veteran any of whose children died while serving in the Armed Forces, as long as such services are not denied to a qualified veteran seeking such services.

SEC. 237. (a) DESIGNATION OF ROBLEY REX DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.—The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the ''Robley Rex Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SEC. 238. (a) ADDITIONAL AMOUNT FOR HOMELESS VETERANS COMPREHENSIVE SERVICE PROGRAMS AND HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The amount appropriated by this title under the heading ''MEDICAL SERVICES'' under the heading ''VETERANS HEALTH ADMINISTRATION'' is increased by $750,000, with the amount of the increase to be available for the following:

(1) The grant program under section 2011 of title 38, United States Code.

(2) Per diem payments under section 2012 of such title.

(3) Housing assistance and supportive services under subchapter V of chapter 20 of such title.

(b) OFFSET.—The amount appropriated or otherwise made available by this title under the heading ''GENERAL OPERATING EXPENSES'' under the heading ''DEPARTMENTAL ADMINISTRATION'' is decreased by $750,000.

SEC. 239. (a) MODIFICATION ON RESTRICTION OF ALIENATION OF CERTAIN REAL PROPERTY IN GULFPORT, MISSISSIPPI.—Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3713), is further amended by inserting after ''the City of Gulfport'' the following: '', or its urban renewal agency,''.

(b) MEMORIALIZATION OF MODIFICATION.—The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 in order to accurately reflect and memorialize the amendment made by subsection (a).

SEC. 240. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''CONSTRUCTION, MINOR PROJECTS'' is hereby increased by $50,000,000.

(2) Of the amount appropriated or otherwise made available by this title under the heading ''CONSTRUCTION, MINOR PROJECTS'', as increased by paragraph (1), $50,000,000 shall be available for renovation of Department of Veterans Affairs buildings for the purpose of converting unused structures into housing with supportive services for homeless veterans.

(b) The amount appropriated or otherwise made available by title I under the heading ''HOMEOWNERS ASSISTANCE FUND'' is hereby reduced by $50,000,000.

SEC. 241. Of the amounts appropriated or otherwise made available by this title, the Secretary shall award $5,000,000 in competitively-awarded grants to State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in under-served areas receive the care and benefits for which they are eligible.

SEC. 242. (a) STUDY ON CAPACITY OF DEPARTMENT OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN WOMEN VETERANS.—The Inspector General of the Department of Veterans Affairs shall carry out a study to assess the capacity of the Department of Veterans Affairs to address combat stress in women veterans.

(b) ELEMENTS.—In carrying out the study required by subsection (a), the Inspector General shall consider the following:

(1) Whether women veterans are properly evaluated by the Department for post-traumatic stress disorder (PTSD), military-related sexual trauma, traumatic brain injury (TBI), and other combat-related conditions.

(2) Whether women veterans with combat stress are being properly adjudicated as service-connected disabled by the Department for purposes of veterans disability benefits for combat stress.

(3) Whether the Veterans Benefits Administration has developed and disseminated to personnel who adjudicate disability claims reference materials that thoroughly and effectively address the management of claims of women veterans involving military-related sexual trauma.

(4) The feasibility and advisability of requiring training and testing on military-related sexual trauma matters as part of a certification of Veterans Benefits Administration personnel who adjudicate disability claims involving post-traumatic stress disorder.

(5) Such other matters as the Inspector General considers appropriate.

(c) REPORTS.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report setting forth the plan of the Inspector General for the study required by subsection (a), together with such interim findings as the Inspector General has made as of the date of the report as a result of the study.

(2) FINAL REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General shall submit to the Secretary, and Congress, then the Secretary shall make recommendations for legislative or administrative action.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Appropriations and Veterans' Affairs of the Senate; and

(B) the Committees on Appropriations and Veterans' Affairs of the House of Representatives.

SEC. 243. (a) STUDY ON IMPROVEMENTS TO INFORMATION TECHNOLOGY INFRASTRUCTURE NEEDED TO FURNISH HEALTH CARE SERVICES TO VETERANS USING TELEHEALTH PLATFORMS.—The Secretary of Veterans Affairs shall carry out a study to identify the improvements to the infrastructure of the Department of Veterans Affairs that are required to furnish health care services to veterans using telehealth platforms.

(b) AVAILABILITY OF FUNDS.—The amounts appropriated or otherwise made available by this title under the headings ''DEPARTMENTAL ADMINISTRATION'' and ''INFORMATION TECHNOLOGY SYSTEMS'' shall be available to the Secretary of Veterans Affairs to carry out the study required by subsection (a).

SEC. 244. Of the amounts appropriated or otherwise made available by this title under the headings ''VETERANS HEALTH ADMINISTRATION'' and ''MEDICAL SERVICES'', $1,000,000 may be available for education debt reduction under subchapter VII of chapter 76 of title 38, United States Code, for mental health care professionals who agree to employment at the Department of Veterans Affairs.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $63,549,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $27,115,000, of which $1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for

official reception and representation expenses, $37,200,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $134,000,000, of which $72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCIES OPERATIONS

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $924,484,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $474,500,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

ADMINISTRATIVE PROVISION

SEC. 401. (a)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Dwyer is hereby increased by $4,400,000.

(2) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Maywand is hereby reduced by $4,400,000.

(b)(1) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Wolverine is hereby increased by $2,150,000.

(2) The amount appropriated or otherwise made available by this title under the heading ''MILITARY CONSTRUCTION, ARMY'' and available for a dining hall project at Forward Operating Base Tarin Kowt is hereby reduced by $2,150,000.

SEC. 402. Amounts appropriated or otherwise made available by this title are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE V

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $37,136,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,307,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,740,000,000, plus reimbursements, which shall become available on October 1, 2010, and shall remain available through September 30, 2011.

TITLE VI

GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 603. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 604. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 605. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 606. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 607. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 608. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SEC. 609. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This Act may be cited as the ''Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010''.

MOTION TO CONCUR

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

The text of the motion is as follows:

Mr. OBEY moves that the House concur in the Senate amendment to H.R. 3082 with an amendment.

The text of the amendment is as follows:

Amendment:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Full-Year Continuing Appropriations Act, 2011''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS

Title I—General Provisions

Title II—Adjustments in Funding and Other Provisions

DIVISION B—SURFACE TRANSPORTATION EXTENSION

DIVISION C—AIRPORT AND AIRWAY EXTENSION

DIVISION D—FOOD SAFETY

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—FULL-YEAR CONTINUING APPROPRIATIONS

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2011, and for other purposes, namely:

TITLE I—GENERAL PROVISIONS

SEC. 1101. (a) Such amounts as may be necessary, at the level specified in subsection (c) and under the authority and conditions provided in applicable appropriations Acts for fiscal year 2010, for projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

(2) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

(3) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85).

(4) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111–212).

(5) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111–88).

(6) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111–68).

(7) The Consolidated Appropriations Act, 2010 (Public Law 111–117).

(8) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212), except for appropriations under the heading ''Operation and Maintenance'' relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: Provided, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed $29,387,401,000: Provided further, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(b) For purposes of this Act, the term ''level'' means an amount.

(c) The level referred to in subsection (a) shall be the amounts appropriated in the appropriations Acts referred to in such subsection, including transfers and obligation limitations, except that—

(1) such level shall not include any amount previously designated (other than amounts in section 1101(a)(8)) as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and

(2) such level shall be calculated without regard to any rescission or cancellation of funds or contract authority.

SEC. 1102. Appropriations made by section 1101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 1103. Appropriations provided by this Act that, in the applicable appropriations Act for fiscal year 2010, carried a multiple-year or no-year period of availability shall retain a comparable period of availability.

SEC. 1104. Except as otherwise expressly provided in this Act, the requirements, authorities, conditions, limitations, and other provisions of the appropriations Acts referred to in section 1101(a) shall continue in effect through the date specified in section 1106.

SEC. 1105. No appropriation or funds made available or authority granted pursuant to section 1101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were specifically prohibited during fiscal year 2010.

SEC. 1106. Unless otherwise provided for in this Act or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this Act shall be available through September 30, 2011.

SEC. 1107. Expenditures made pursuant to the Continuing Appropriations Act, 2011 (Public Law 111–242), shall be charged to the applicable appropriation, fund, or authorization provided by this Act.

SEC. 1108. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1109. (a) With respect to any discretionary account for which advance appropriations were provided for fiscal year 2011 or 2012 in an appropriations Act for fiscal year 2010, in addition to amounts otherwise made available by this Act, advance appropriations are provided in the same amount for fiscal year 2012 or 2013, respectively, with a comparable period of availability.

(b) In addition to amounts provided by subsection (a), an additional amount is provided for the following accounts in the amounts specified:

(1) ''Department of Veterans Affairs, Medical Services'', $2,513,985,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

(2) ''Department of Veterans Affairs, Medical Support and Compliance'', $228,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

(c) Notwithstanding subsection (a), amounts are provided for ''Department of Veterans Affairs, Medical Facilities'' in the amount of $5,426,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

SEC. 1110. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 1101 shall be the amounts necessary to maintain program levels under current law.

(b) In addition to the amounts otherwise provided by section 1101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) ''Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners'', for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, $41,000,000, to remain available until expended.

(2) ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid'', for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, $86,445,289,000, to remain available until expended.

(3) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs'', for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $1,200,000,000, to remain available until expended.

(4) ''Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Permanency'', for payments to States or other non-Federal entities under title IV–E of the Social Security Act, $1,850,000,000.

(5) ''Social Security Administration, Supplemental Security Income Program'', for benefit payments under title XVI of the Social Security Act, $13,400,000,000, to remain available until expended.

SEC. 1111. The following amounts are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010:

(1) Amounts incorporated by reference in this Act that were previously designated as available for overseas deployments and other activities pursuant to such concurrent resolution.

(2) Amounts made available pursuant to paragraph (8) of section 1101(a) of this Act.

SEC. 1112. Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated by this Act. For purposes of this section, the term ''earmark'' means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV of the Standing Rules of the Senate.

SEC. 1113. (a) Notwithstanding section 1101, user fees for ''Securities and Exchange Commission, Salaries and Expenses'' shall be available for obligation in the amount of $1,250,000,000: Provided, That the authority provided in this subsection shall be deemed a regular appropriation for purposes of section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) and sections 13(e), 14(g), and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee).

(b) Notwithstanding section 1101, the Federal Communications Commission is authorized to assess and collect pursuant to section 9 of title I of the Communications Act of 1934 offsetting collections during fiscal year 2011 of $350,634,000, and such amounts shall be available for obligation until expended, of which not less than $8,279,115 shall be for the salaries and expenses of the Office of Inspector General.

SEC. 1114. (a) For the purposes of this section—

(1) the term ''employee''—

(A) means an employee as defined in section 2105 of title 5, United States Code; and

(B) includes an individual to whom subsection (b), (c), or (f) of such section 2105 pertains (whether or not such individual satisfies subparagraph (A));

(2) the term ''senior executive'' means—

(A) a member of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code;

(B) a member of the FBI–DEA Senior Executive Service under subchapter III of chapter 31 of title 5, United States Code;

(C) a member of the Senior Foreign Service under chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following); and

(D) a member of any similar senior executive service in an Executive agency;

(3) the term ''senior-level employee'' means an employee who holds a position in an Executive agency and who is covered by section 5376 of title 5, United States Code, or any similar authority; and

(4) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code.

(b)(1) Notwithstanding any other provision of law, except as provided in subsection (e), no statutory pay adjustment which (but for this subsection) would otherwise take effect during the period beginning on January 1, 2011, and ending on December 31, 2012, shall be made.

(2) For purposes of this subsection, the term ''statutory pay adjustment'' means—

(A) an adjustment required under section 5303, 5304, 5304a, 5318, or 5343(a) of title 5, United States Code; and

(B) any similar adjustment, required by statute, with respect to employees in an Executive agency.

(c) Notwithstanding any other provision of law, except as provided in subsection (e), during the period beginning on January 1, 2011, and ending on December 31, 2012, no senior executive or senior-level employee may receive an increase in his or her rate of basic pay absent a change of position that results in a substantial increase in responsibility, or a promotion.

(d) The President may issue guidance that Executive agencies shall apply in the implementation of this section.

(e) The Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) shall be applied using the appropriate locality-based comparability payments established by the President as the applicable comparability payments in section 1914(2) and (3) of such Act.

SEC. 1115. (a) Amounts made available by this Act shall be available for transfer by the head of the agency to the extent necessary to avoid furloughs or reductions in force, or to provide funding necessary for programs and activities required by law: Provided, That such transfers may not result in the termination of programs, projects or activities: Provided further, That such transfers shall be subject to the approval of the House and Senate Appropriations Committees.

(b) The authorities provided by subsection (a) of this section shall be in addition to any other transfer authority provided elsewhere in this statute.

SEC. 1116. None of the funds made available in this or any prior Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1117. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

TITLE II—ADJUSTMENTS IN FUNDING AND OTHER PROVISIONS

CHAPTER 1—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

SEC. 2101. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Agricultural Programs, Agricultural Research Service, Buildings and Facilities,'' $0; ''Agricultural Programs, Agricultural Marketing Service, Marketing Services'', $126,148,000; ''Agricultural Programs, Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses'', $50,000,000; ''Conservation Programs, Natural Resources Conservation Service, Watershed and Flood Prevention Operations'', $0; ''Rural Development Programs, Rural Housing Service, Rental Assistance Program'', $971,593,000; ''Domestic Food Programs, Food and Nutrition Service, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)'', $6,773,372,000; ''Domestic Food Programs, Food and Nutrition Service, Nutrition Programs Administration'', $150,801,000; ''Foreign Assistance and Related Programs, Foreign Agricultural Service, Salaries and Expenses'', $187,801,000; and ''Related Agencies and Food and Drug Administration, Independent Agencies, Farm Credit Administration, Limitation on Administrative Expenses'', $59,400,000.

SEC. 2102. Notwithstanding section 1101, the level for ''Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments'' shall be $260,051,000, of which $178,470,000 shall be available for payments to the General Services Administration for rent; of which $13,800,000 shall be for payment to the Department of Homeland Security for building security activities; and of which $67,781,000 shall be for buildings operations and maintenance expenses.

SEC. 2103. The amounts included under the heading ''Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities'' in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$317,884,000'' for ''$215,000,000''; by substituting ''$34,816,000'' for ''$29,000,000''; by substituting ''$51,000,000'' for ''$48,500,000''; by substituting ''$268,957,000'' for ''$262,482,000''; by substituting ''$2,844,000'' for ''$89,029,000''; by substituting ''$2,173,000'' for ''$1,805,000''; by substituting ''$9,699,000'' for ''$9,237,000''; by substituting ''$19,100,000'' for ''$18,250,000''; by substituting ''$4,009,000'' for ''$3,342,000''; by substituting ''$3,232,000'' for ''$3,200,000''; and by substituting ''$11,253,000'' for ''$45,122,000''.

SEC. 2104. The amounts included under the heading ''Agricultural Programs, National Institute of Food and Agriculture, Extension Activities'' in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$306,227,000'' for ''$297,500,000''; by substituting ''$43,838,000'' for ''$42,677,000''; by substituting ''$69,131,000'' for ''$68,070,000''; by substituting ''$3,755,000'' for ''$3,045,000''; by substituting ''$19,886,000'' for ''$19,770,000''; by substituting ''$4,377,000'' for ''$4,321,000''; and by substituting ''$8,565,000'' for ''$20,396,000''.

SEC. 2105. The amounts included under the heading ''Agricultural Programs, Animal and Plant Health Inspection Services, Salaries and Expenses'' in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$45,219,000'' for ''$60,243,000''.

SEC. 2106. In addition to amounts otherwise appropriated or made available by this Act, $31,875,000 is appropriated to the Secretary of Agriculture for the costs of loan and loan guarantees under the heading ''Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account'' to ensure that the fiscal year 2010 program levels for such loan and loan guarantee programs are maintained for fiscal year 2011. Funds appropriated by this Act to such heading for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs. The Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and Senate at least 15 days in advance of any transfer.

SEC. 2107. Notwithstanding section 1101, the level for each of the following accounts under the heading ''Rural Development Programs'' shall be as follows: ''Rural Housing Service, Rural Housing Insurance Fund Program Account'', $582,409,000; ''Rural Housing Service, Farm Labor Program Account'', $20,358,000; ''Rural Housing Service, Rural Community Facilities Program Account'', $56,579,000; ''Rural Business-Cooperative Service, Rural Development Loan Fund Program Account'', $17,879,000; ''Rural Utilities Service, Rural Water and Waste Disposal Program Account'', $579,361,000; ''Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account'', $40,659,000; and ''Rural Utilities Service, Distance Learning, Telemedicine, and Broadband Program'', $78,051,000: Provided, That these funds are appropriated to the Secretary of Agriculture to ensure that the fiscal year 2010 program levels for such loan and loan guarantee programs are maintained for fiscal year 2011: Provided further, That the amount provided in this Act for grants and administrative expenses under these accounts shall remain unchanged from fiscal year 2010.

SEC. 2108. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Child Nutrition Programs'' shall be $17,319,981,000, to remain available through September 30, 2012, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, $5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A): Provided further, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, ''except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21''.

SEC. 2109. Notwithstanding section 1101, the level for ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program'', shall be $253,358,000, of which $176,788,000 shall be for the Commodity Supplemental Food Program.

SEC. 2110. Notwithstanding section 1101, the level for ''Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses'' shall be $3,707,611,000: Provided, That of the amount provided under this heading, $667,057,000 shall be derived from prescription drug user fees authorized by section 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h), shall be credited to this account and remain available until expended, and shall not include any fees pursuant to paragraphs (2) and (3) of section 736(a) of such Act (21 U.S.C. 379h(a)(2) and (a)(3)) assessed for fiscal year 2012 but collected in fiscal year 2011; $61,860,000 shall be derived from medical device user fees authorized by section 738 of such Act (21 U.S.C. 379j), and shall be credited to this account and remain available until expended; $19,448,000 shall be derived from animal drug user fees authorized by section 740 of such Act (21 U.S.C. 379j-12), and shall be credited to this account and remain available until expended; $5,397,000 shall be derived from animal generic drug user fees authorized by section 741 of such Act (21 U.S.C. 379j-21), and shall be credited to this account and shall remain available until expended; and $450,000,000 shall be derived from tobacco product user fees authorized by section 919 of such Act (21 U.S.C. 387s) and shall be credited to this account and remain available until expended: Provided further, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device,

animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited for fiscal year 2011, shall be subject to the fiscal year 2011 limitations: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated under this heading: (1) $856,383,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $963,311,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $328,234,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $162,946,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $362,491,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $60,975,000 shall be for the National Center for Toxicological Research; (7) $421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $141,724,000 shall be for Rent and Related activities, of which $41,951,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $185,983,000 shall be for payments to the General Services Administration for rent; and (10) $224,101,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: Provided further, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): Provided further, That not to exceed $25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 2111. Notwithstanding any other provision of this Act, the following set-asides included in Public Law 111–80 for ''Congressionally Designated Projects'' in the following accounts for the corresponding amounts shall not apply to funds appropriated by this Act:

(1) ''Agricultural Programs, Agricultural Research Service, Salaries and Expenses'', $44,138,000.

(2) ''Agricultural Programs, National Institute of Food and Agriculture, Research and Education Activities'', $120,054,000.

(3) ''Agricultural Programs, National Institute of Food and Agriculture, Extension Activities'', $11,831,000.

(4) ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses'', $24,410,000.

(5) ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations'', $37,382,000.

SEC. 2112. Notwithstanding any other provision of this Act, the following provisions included in Public Law 111–80 shall not apply to funds appropriated by this Act:

(1) The first proviso under the heading ''Agricultural Programs, Agriculture Buildings and Facilities and Rental Payments''.

(2) The second proviso under the heading ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations''.

(3) The set-aside of $2,800,000 under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Cooperative Development Grants''.

(4) The second proviso under the heading ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Account''.

(5) The first proviso under the heading ''Domestic Food Programs, Food and Nutrition Service, Commodity Assistance Program''.

(6) The first proviso under the heading ''Foreign Assistance and Related Programs, Foreign Agricultural Service, McGovern-Dole International Food for Education and Child Nutrition Program Grants''.

SEC. 2113. The following sections of title VII of Public Law 111–80 shall be applied to funds appropriated by this division by substituting $0 for the dollar amounts included in those sections: section 718, section 723, section 727, section 728, and section 738.

SEC. 2114. The following sections of title VII of Public Law 111–80 shall not apply for fiscal year 2011: section 716, section 724, section 726, section 729, section 735, and section 748.

SEC. 2115. The following sections of title VII of Public Law 111–80 that authorized or required certain actions have been performed before the date of the enactment of this division and need not reoccur: section 737, section 740, section 747, and section 749.

SEC. 2116. Appropriations to the Department of Agriculture made available in fiscal year 2005 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations made in fiscal years 2005 and 2006.

SEC. 2117. In the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act that is authorized or required to be carried out using funds of the Commodity Credit Corporation (1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and (2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 2118. With respect to any loan or loan guarantee program administered by the Secretary of Agriculture that has a negative credit subsidy score for fiscal year 2011, the program level for the loan or loan guarantee program, for the purposes of the Federal Credit Reform Act of 1990, shall be the program level established pursuant to such Act for fiscal year 2010.

SEC. 2119. Notwithstanding section 1101, section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111–212) that addresses guaranteed loans in the rural housing insurance fund shall remain in effect through the date specified in section 1106.

SEC. 2120. In paragraph (1) of section 721 of Public Law 111–80, strike ''$1,180,000,000'' and insert ''$1,318,000,000''.

SEC. 2121. The following provisions of Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''2010'', ''2011'' and ''2012'' for the terms ''2009'', ''2010'', and ''2011'', respectively, in each instance that such terms appear:

(1) The second paragraph under the heading ''Agricultural Programs, Animal and Plant Health Inspection Service, Salaries and Expenses''.

(2) The second proviso under the heading ''Agricultural Programs, Food Safety and Inspection Service''.

(3) The first proviso in the second paragraph under the heading ''Rural Development Programs, Rural Housing Service, Rural Housing Insurance Fund Program Account''.

(4) The fifth proviso under the heading ''Rural Development Programs, Rural Housing Service, Rental Assistance Program''.

(5) The proviso under the heading ''Rural Development Programs, Rural Housing Service, Mutual and Self-Help Housing Grants''.

(6) The first proviso under the heading ''Rural Development Programs, Rural Housing Service, Rural Housing Assistance Grants''.

(7) The seventh proviso under the heading ''Rural Development Programs, Rural Housing Service, Rural Community Facilities Program Account''.

(8) The third proviso under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Business Program Account''.

(9) The four availability of funds clauses under the heading ''Rural Development Programs, Rural Business—Cooperative Service, Rural Development Loan Fund Program Account''.

(10) The fifth proviso under the heading ''Rural Development Programs, Rural Utilities Service, Rural Water and Waste Disposal Program Account''.

(11) Sections 713, 717, and 746.

SEC. 2122. Notwithstanding section 1101, the level for ''Commodity Futures Trading Commission'' shall be $261,000,000, to remain available until September 30, 2012.

SEC. 2123. The proviso under the heading ''Commodity Futures Trading Commission'' in Public Law 111–80 shall not apply to funds appropriated by this Act.

CHAPTER 2—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

SEC. 2201. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs'', $964,315,000; ''Department of Commerce, National Telecommunications and Information Administration, Salaries and Expenses'', $40,649,000; ''Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities'', $124,800,000; ''Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'', $1,772,353,000; ''Department of Justice, General Administration, Detention Trustee'', $1,533,863,000; ''Department of Justice, Legal Activities, Salaries and Expenses, United States Attorneys'', $1,944,610,000; ''Department of Justice, Federal Bureau of Investigation, Salaries and Expenses'', $7,703,387,000; ''Department of Justice, Federal Bureau of Investigation, Construction'', $107,310,000; ''Department of Justice, Drug Enforcement Administration, Salaries and Expenses'', $2,030,488,000; ''Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses'', $1,126,587,000; ''Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, Construction'', $0; ''Department of Justice, Federal Prison System, Salaries and Expenses'', $6,472,726,000; and ''Department of Justice, Federal Prison System, Buildings and Facilities'', $194,155,000.

SEC. 2202. Notwithstanding section 1101, the level for ''Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses'' shall be $2,262,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2011, so as to result in a fiscal year 2011 appropriation from the general fund estimated

at $0: Provided further, That during fiscal year 2011, should the total amount of offsetting fee collections, and the surcharge provided herein, be less than $2,262,000,000, this amount shall be reduced accordingly: Provided further, That any amount received in excess of $2,262,000,000 in fiscal year 2011, in an amount up to $200,000,000, shall remain available until expended: Provided further, That there shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on fees charged or authorized by subsections (a), (b), and (d)(1) of section 41 of title 35, United States Code, as administered under Public Law 108–447 and this Act, and on fees charged or authorized by section 132(b) of title 35, United States Code: Provided further, That the surcharge established under the previous proviso shall be separate from, and in addition to, any other surcharge that may be required pursuant to any provision of title 35, United States Code: Provided further, That the surcharge established in the previous 2 provisions shall take effect on the date that is 10 days after the date of enactment of this Act, and shall remain in effect during fiscal year 2011: Provided further, That the receipts collected as a result of these surcharges shall be available, within the amounts provided herein, to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office: Provided further, That within the amounts appropriated, $1,000,000 shall be transferred to ''Department of Commerce, Departmental Management, Office of Inspector General'' for activities associated with carrying out investigations and audits related to the United States Patent and Trademark Office.

SEC. 2203. Notwithstanding section 1101, the level for ''Department of Justice, Community Oriented Policing Services'' shall be $597,500,000: Provided, That the amounts included under that heading in division B of Public Law 111–117 shall be applied in the same manner to funds appropriated by this Act, except that ''$15,000,000'' shall be substituted for ''$40,385,000'', ''$0'' shall be substituted for ''$25,385,000'', ''$1,500,000'' shall be substituted for ''$170,223,000'', and ''$0'' shall be substituted for ''$168,723,000''.

SEC. 2204. Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, State and Local Law Enforcement Assistance'' shall be $1,349,500,000: Provided, That the amounts included under that heading in division B of Public Law 111–117 shall be applied in the same manner to funds appropriated by this Act, except that ''$0'' shall be substituted for ''$185,268,000''.

SEC. 2205. Notwithstanding section 1101, the level for ''Department of Justice, Office of Justice Programs, Juvenile Justice Programs'' shall be $332,500,000: Provided, That the amounts included under that heading in division B of Public Law 111–117 shall be applied in the same manner to funds appropriated by this Act, except that ''$0'' shall be substituted for ''$91,095,000''.

SEC. 2206. Notwithstanding section 1101, the level for the following accounts of the National Aeronautics and Space Administration shall be as follows: ''Science'', $5,005,600,000; ''Exploration'', $3,706,000,000; ''Space Operations'', $5,247,900,000; ''Aeronautics'', $1,138,600,000; ''Education'', $180,000,000; ''Cross Agency Support'', $3,085,700,000; ''Construction and Environmental Compliance and Remediation'', $528,700,000, of which $20,000,000 shall be derived from available unobligated balances previously appropriated for construction of facilities; and ''Office of Inspector General'', $37,500,000: Provided, That within the funds provided for ''Space Operations'', not less than $989,100,000 shall be for Space Shuttle operations, production, research, development, and support, $2,745,000,000 shall be for International Space Station operations, production, research, development, and support, $688,800,000 shall be for Space and Flight Support, and $825,000,000 shall be for additional Space Shuttle costs, launch complex development only for activities at the Kennedy Space Center related to the civil, nondefense launch complex, use at other National Aeronautics and Space Administration flight facilities that are currently scheduled to launch cargo to the International Space Station, and development of ground operations for the heavy lift launch vehicle and the Orion multipurpose crew vehicle: Provided further, That within the funds provided for ''Aeronautics'', $579,600,000 shall be for aeronautics research and development activities, and $559,000,000 shall be for space technology activities proposed for ''Aeronautics'' and exploration technology and demonstration program activities proposed for ''Exploration'' in the National Aeronautics and Space Administration congressional justification that accompanied the President's Fiscal Year 2011 budget: Provided further, That within the funds provided for ''Exploration'', not less than $1,200,000,000 shall be for the Orion multipurpose crew vehicle, not less than $250,000,000 shall be for commercial crew, not less than $300,000,000 shall be for commercial cargo development, and not less than $1,800,000,000 shall be for the heavy lift launch vehicle system: Provided further, That the initial lift capability for the heavy lift launch vehicle system shall be not less than 130 tons and that the upper stage and other core elements shall be simultaneously developed: Provided further, That the provisos limiting the use of funds under the heading ''National Aeronautics and Space Administration, Exploration'' in division B of Public Law 111–117 shall not apply to funds appropriated by this Act: Provided further, That within the funds provided for ''Construction and Environmental Compliance and Remediation'', $40,500,000 shall be available to support science research and development activities; $109,800,000 shall be available to support exploration research and development activities; $15,600,000 shall be available to support space operations research and development activities; $300,700,000 shall be available for institutional construction of facilities; and $62,100,00 shall be available for environmental compliance and remediation: Provided further, That of funds provided under the headings ''Space Operations'' and ''Exploration'' in this Act, up to $60,000,000 may be transferred to ''Department of Commerce, Economic Development Administration, Economic Development Assistance Programs'' to spur regional economic growth in areas impacted by Shuttle retirement and Exploration programmatic changes: Provided further, That following the retirement of the space shuttle orbiters, the National Aeronautics and Space Administration shall bear any costs that normally would be associated with surplusing the orbiters, including taking hazardous orbiter systems offline, and any shuttle recipient other than the Smithsonian Institution shall bear costs for transportation and for preparing the surplused orbiter for display: Provided further, That should the Administrator determine that the Smithsonian Institution is an appropriate venue for an orbiter, such orbiter shall be made available to the Smithsonian at no or nominal cost: Provided further, That any funds received by the National Aeronautics and Space Administration as a result of the disposition of any orbiter shall be available only as provided in subsequent appropriations Acts: Provided further, That funds made available for ''Space Operations'' in excess of those specified for Space Shuttle, International Space Station, and Space and Flight support may be transferred to ''Construction and Environmental Compliance and Remediation'' for construction activities only at National Aeronautics and Space Administration owned facilities: Provided further, That funds so transferred shall not be subject to section 505(a)(1) of division B of Public Law 111–117 or to the transfer limitations for the National Aeronautics and Space Administration described in the Administrative Provisions of that Act, and shall be available until September 30, 2015, only after notification of such transfers to the House and Senate Committees on Appropriations.

SEC. 2207. Of the funds made available for ''Department of Commerce, Bureau of the Census, Periodic Censuses and Programs'' in division B of Public Law 111–117, $1,740,000,000 is rescinded.

SEC. 2208. Section 529 of division B of Public Law 111–117 shall not apply to this Act.

SEC. 2209. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, to the House and Senate Committees on Appropriations within 60 days of enactment of this Act.

SEC. 2210. None of the funds provided to the Department of Justice in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

SEC. 2211. Notwithstanding any other provision of this Act, the following set-asides included in division B of Public Law 111–117 for projects specified in the explanatory statement accompanying that Act in the following accounts for the corresponding amounts shall not apply to funds appropriated by this Act: (1) ''Department of Commerce, International Trade Administration, Operations and Administration'', $5,215,000; (2) ''Department of Commerce, Minority Business Development Agency, Minority Business Development'', $1,100,000; (3) ''Department of Commerce, National Institute of Standards and Technology, Scientific and Technical Research and Services'', $10,500,000; (4) ''Department of Commerce, National Institute of Standards and Technology, Construction of Research Facilities'', $47,000,000; (5) ''Department of Commerce, National Oceanic and Atmospheric Administration, Operations, Research and Facilities'', $99,295,000; (6) ''Department of Commerce, National Oceanic and Atmospheric Administration, Procurement, Acquisition and Construction'', $18,000,000; and (7) ''National Aeronautics and Space Administration, Cross Agency Support'', $63,000,000.

SEC. 2212. Of the unobligated balances available to ''Department of Justice, Legal Activities, Assets Forfeiture Fund'', $500,000,000 is hereby rescinded.

CHAPTER 3—DEFENSE

SEC. 2301. Notwithstanding section 1101 of this Act, the level for the ''Defense Health Program'' shall be $32,097,203,000; of which $30,952,369,000 shall be for operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $519,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $624,913,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation.

SEC. 2302. Amounts provided by section 1101 of this Act for ''Defense Health Program, Department of Defense'' shall be available: (1) for the purposes provided under section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), (2) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund under such section 1704, and (3) for operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined federal medical facility as described by section

706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417).

SEC. 2303. (a) The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2518), and the authority provided by section 1222(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), shall continue in effect through the date specified in section 1106 of this Act.

(b) Notwithstanding section 1101 of this Act, the level available for the ''Commander's Emergency Response Program'' shall be $500,000,000: Provided, That projects (including ancillary or related elements in connection with each project) executed under this authority shall not exceed $20,000,000: Provided further, That the Secretary of Defense shall notify the congressional defense committees in writing of any project with a total anticipated cost for completion of $5,000,000 not less than 15 days prior to obligating funds.

SEC. 2304. The authority provided by section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2305. The authority provided by section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2306. Notwithstanding any other provision of law, of the amount provided to the Department of Defense by section 1101 of this Act for ''Operation and Maintenance'', up to $75,000,000 may be obligated and expended for purposes of building the capacity of Yemeni Ministry of Interior forces to conduct counterterrorism operations, subject to the direction and control of the Secretary of Defense, with the concurrence of the Secretary of State: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to providing assistance under this section, submit to the congressional defense committees a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

SEC. 2307. All funds provided by section 1101 of this Act for the ''Joint Improvised Explosive Device Defeat Fund'' may be used for staff and infrastructure costs.

SEC. 2308. The authority provided by section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2309. Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2010'' and inserting ''December 31, 2011''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2011'' and inserting ''February 1, 2012''; and

(B) by striking ''October 1, 2010'' and inserting ''December 31, 2011''.

SEC. 2310. There is hereby established in the Treasury of the United States the ''Afghanistan Infrastructure Fund''. Of the funds made available in section 1101 of this Act, $400,000,000 is available for the ''Afghanistan Infrastructure Fund'', to remain available until September 30, 2012: Provided, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: Provided further, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including water, power, and transportation projects and related maintenance and sustainment costs: Provided further, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: Provided further, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: Provided further, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: Provided further, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: Provided further, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: Provided further, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this section and shall be treated in the same manner as funds not transferred to the Secretary of State: Provided further, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to such Fund, to remain available until expended, and used for such purposes: Provided further, That not later than 45 days after the end of each fiscal quarter, the Inspector General of the Department of State or the Inspector General of the United States Agency for International Development, as appropriate, shall provide to the appropriate committees of Congress an assessment in writing of whether the funds provided herein to the Department of State or the United States Agency for International Development are being used in the intended manner: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from, the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: Provided further, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SEC. 2311. The authority provided by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or the date specified in section 1106 of this Act.

SEC. 2312. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or the date specified in section 1106 of this Act.

SEC. 2313. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1014 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or the date specified in section 1106 of this Act.

SEC. 2314. The Secretary of the Navy may award a contract or contracts for up to 20 Littoral Combat Ships subject to the availability of appropriated funds for such purpose.

SEC. 2315. In addition to amounts otherwise made available by this Act, $2,770,300,000, is hereby appropriated for title I of division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

SEC. 2316. The authority provided by sections 611, 612, 613, 614, 615, and 616 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2317. The authority provided by section 631 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2318. Notwithstanding subsection (b) of section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870), a claim described in that subsection that is submitted before the date specified in section 1106 of this Act shall be treated as a claim for which payment may be made under such section 310.

SEC. 2319. The authority provided by section 1071 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2320. The authority provided by section 931 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2321. The authority provided by section 1106 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 2322. (a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2009 through 2011.''

(b) ANNUAL REPORT.—Paragraph (3) of such section 941(b) is amended by striking ''in 2010 and 2011'' and inserting ''in each year through 2012.''

SEC. 2323. Notwithstanding section 1101 of this Act, sections 8006, 8076, and 8101 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118), shall not be applicable during the current fiscal year.

SEC. 2324. Notwithstanding any other provision of law, during fiscal year 2011, not more than $150,000,000 of the funds made available for overseas contingency operations operation and maintenance may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to

carry out strategic business and economic assistance activities in support of Operation Enduring Freedom: Provided, That the Secretary of Defense shall, not fewer than 15 days prior to the use of the authority provided in this section, submit to the congressional defense committees a notice setting forth the projects to be initiated, including the budget and the completion date for each project.

SEC. 2325. Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2660), shall continue in effect through the date specified in section 1106 of this Act.

SEC. 2326. Of the amounts made available to the Department of Defense in section 1101 of this Act, the Secretary of Defense shall provide $205,000,000 to the government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats.

SEC. 2327. (a) None of the amounts made available and no authority provided pursuant to section 1101 of this Act to the Department of Defense shall be used for—

(1) the new production of items not funded for production in fiscal year 2010 or prior years;

(2) the increase in production rates or levels of effort above those sustained with amounts made available for fiscal year 2010; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within an O–1 line, R–1 program element and P–1 line item in a budget activity within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2010 except as approved and described in subsection (b).

(b) The Secretary of Defense, with the approval of the Director of the Office of Management and Budget, may make a single transfer request to realign funds for execution in fiscal year 2011, to include new starts, increases in production or levels of effort, and other realignments to meet military requirements for which funds were not provided for during fiscal year 2010. The transfer of funds for such purposes shall be accomplished using the procedures established in section 8005 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118), by not later than 60 days after the date of enactment of this Act: Provided, That with the exception of funding provided in title I of the Department of Defense Appropriations Act, 2010 and for the ''Defense Health Program'' in section 2301 of this Act, and section 2332 of this Act, the program base from which realignments are proposed shall be the allocations as prescribed in section 1101 of this Act: Provided further, That transfers made in the realignment reprogramming shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005 of the Department of Defense Appropriation Act, 2010 (division A of Public Law 111–118).

(c) Subsequent to a transfer under subsection (b), the Secretary of Defense shall submit to the congressional defense committees reports on the baseline for application of reprogramming and transfer authorities for fiscal year 2011 as provided in section 8007 of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118).

SEC. 2328. None of the amounts appropriated or authorities granted pursuant to section 1101 of this Act for the National Intelligence Program shall be used for new projects or sub-projects for which funds were not provided for in fiscal year 2010 or for increases in level of effort for previously funded projects or sub-projects above the fiscal year 2010 funded level unless the congressional intelligence committees are notified in accordance with the regular reprogramming procedures.

SEC. 2329. Of the funds available in section 1101 of this Act, $250,000,000 is hereby appropriated for ''Operation and Maintenance, Defense-Wide'', to be available until expended: Provided, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: Provided further, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies, as determined by the Secretary of Defense.

SEC. 2330. Of the amounts provided to the Department of Defense in section 1101 of this Act for operation and maintenance, $300,000,000, shall be for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 2331. None of the amounts appropriated or otherwise made available or authorities provided pursuant to section 1101 of this Act for the Department of Defense shall be used to initiate multi-year procurements.

SEC. 2332. In addition to amounts otherwise made available by this Act, $2,000,000 is appropriated for the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

SEC. 2333. For purposes of section 8089 of division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118), any funds transferred shall retain the same period of availability as when originally appropriated.

SEC. 2334. (a) The amount provided by section 1101 of this Act for title II of division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111–118) is hereby reduced to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From ''Operation and Maintenance, Army'', $483,000,000.

(b) Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) ''Aircraft Procurement, Navy, 2010/2012'', $168,000,000;

(2) ''Aircraft Procurement, Air Force, 2010/2012'', $136,000,000; and

(3) ''Research, Development, Test and Evaluation, Air Force 2010/2011'', $182,000,000.

CHAPTER 4—ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES

SEC. 2401. Sections 106, 107, 109 through 125, 203, 205 through 211, and 314 of the Energy Water and Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2402. The Secretary of the Army, acting through the Chief of Engineers, may waive the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), if such limitation would be exceeded during fiscal year 2011 for any project that receives funds provided in this Act.

SEC. 2403. Notwithstanding section 1101, the level for ''Corps of Engineers, Civil, Construction'' shall be $1,837,000,000.

SEC. 2404. All of the provisos under the heading ''Corps of Engineers, Civil, Construction'' in Public Law 111–85 shall not apply to funds appropriated in this Act.

SEC. 2405. The proviso under the heading ''Corps of Engineers, Civil, Mississippi River and Tributaries'' in Public Law 111–85 shall not apply to funds appropriated in this Act.

SEC. 2406. The authority provided by section 126 of Public Law 111–85, which continues in effect through the date specified in section 1106 of this Act, shall include the authority to undertake such modifications or emergency measures as the Secretary of the Army determines to be appropriate to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River.

SEC. 2407. The last four provisos under the heading ''Department of the Interior, Bureau of Reclamation, Water and Related Resources'' in Public Law 111–85 shall not apply to funds appropriated in this Act.

SEC. 2408. Notwithstanding section 1101, the level for each of the following accounts under the heading ''Department of Energy, Energy Programs'' shall be as follows: ''Advanced Technology Vehicles Manufacturing Loan Program'', $9,998,000; ''Office of the Inspector General'', $42,850,000; ''Electricity Delivery and Energy Reliability'', $158,982,000; ''Nuclear Energy'', $768,637,000; and ''Strategic Petroleum Reserve'', $209,861,000.

SEC. 2409. The first proviso under the heading ''Department of Energy, Energy Programs, Science'' in title III of the Energy and Water Development Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2410. Up to a total of $300,000,000 of funds provided by section 1101 for ''Department of Energy, Energy Programs, Energy Efficiency and Renewable Energy'' and ''Department of Energy, Energy Programs, Science'' may be transferred by the Secretary of Energy to ''Advanced Research Projects Agency—Energy'': Provided, That of the funds transferred, the Director of the Advanced Research Projects Agency—Energy shall have the authority to fix basic pay and payments in addition to basic pay without regard to the civil service laws, provided that aggregate pay does not exceed the Vice President's salary as specified in 3 U.S.C. 104.

SEC. 2411. Notwithstanding section 1101, subject to section 502 of the Congressional Budget Act of 1974, amounts necessary to support commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, not to exceed a total principal amount of $10,000,000,000, to remain available until committed: Provided, That of such amount $7,000,000,000 is for nuclear power facilities and $3,000,000,000 is for fossil energy technologies: Provided further, That these amounts are in addition to authorities provided in any other Act: Provided further, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power facilities or fossil energy technologies: Provided further, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects with respect to which funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives,

leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for (1) projects as a result of such projects benefitting from otherwise allowable Federal income tax benefits; (2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) projects as a result of such projects benefitting from Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the ''Price-Anderson Act''); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisos under this section: Provided further, That in addition to amounts otherwise made available by this Act, $306,000,000 is appropriated, to remain available until expended, for the cost of loan guarantees for projects that employ: (1) new or significantly improved technologies of renewable energy systems or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005; or (2) notwithstanding section 1703(a)(2), commercial technologies of renewable energy systems, efficient end-use energy technologies, or leading edge biofuel projects: Provided further, That of the authority provided for commitments to guarantee loans under ''Department of Energy, Energy Programs, Title 17 Innovative Technology Loan Guarantee Program'' in title III of division C of Public Law 111–8 and title III of division C of Public Law 110–161, $18,000,000,000 is rescinded: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $58,000,000 is appropriated, to remain available until expended: Provided further, That $58,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than $0: Provided further, That fees collected under such section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

SEC. 2412. Notwithstanding section 1101, the level for ''Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' shall be $7,008,835,000: Provided, That $624,000,000 of such amount shall be available only upon the Senate giving its advice and consent to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly known as the ''New START Treaty'').

SEC. 2413. All of the provisos under the heading ''Atomic Energy Defense Activities, National Nuclear Security Administration, Weapons Activities'' in title III of the Energy and Water Development Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2414. Notwithstanding section 1101, the level for ''Atomic Energy Defense Activities, National Nuclear Security Administration, Defense Nuclear Nonproliferation'' shall be $2,575,000,000.

SEC. 2415. The first proviso under the heading ''Atomic Energy Defense Activities, National Nuclear Security Administration, Office of the Administrator'' in title III of the Energy and Water Development Appropriations Act, 2010 (Public Law 111–85) shall not apply to funds appropriated in this Act.

SEC. 2416. Notwithstanding section 1101, the level for ''Department of Energy, Environmental and Other Defense Activities, Defense Environmental Cleanup'' shall be $5,263,031,000, of which $33,700,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund''.

SEC. 2417. (a) Notwithstanding any other provision of law, no funds appropriated in this or any other Act may be used in fiscal year 2011 to transfer, sell, barter, distribute, or otherwise provide more than 3,300,000 pounds of natural uranium equivalent of uranium in any form from the Department of Energy's inventory.

(b) Any transfer, sale, barter, distribution, or other provision of uranium in any form under subsection (a) shall be carried out consistent with the Department of Energy's Excess Uranium Inventory Management Plan, dated December 16, 2008.

(c) The prohibition in subsection (a) shall not apply to the transfer, sale, barter, distribution, or other provision of uranium in any form for use in initial reactor cores.

(d) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form in accordance with this section, the Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate. Such notification shall include the following information:

(1) The amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided.

(2) The estimated market value of the uranium.

(3) The expected date of the transfer, sale, barter, distribution, or provision of the uranium.

(4) The recipient of uranium.

SEC. 2418. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the Department of Energy shall be used to initiate or resume any project or activity or to initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program or activity if the program or activity has not been funded by Congress, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 2419. During the period specified in section 1106 of this Act, section 15751(b) of title 40, United States Code, shall not apply to the Northern Border Regional Commission.

SEC. 2420. Within 30 days of enactment of this Act, the Department of Energy, Corps of Engineers, Civil, and Bureau of Reclamation shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level.

CHAPTER 5—FINANCIAL SERVICES AND GENERAL GOVERNMENT

SEC. 2501. Notwithstanding section 1101, the level for each of the following accounts of the Department of the Treasury shall be as follows: ''Departmental Offices, Salaries and Expenses'', $320,088,000; ''Special Inspector General for the Troubled Asset Relief Program, Salaries and Expenses'', $36,300,000; ''Treasury Inspector General for Tax Administration, Salaries and Expenses'', $155,452,000; ''Financial Management Service, Salaries and Expenses'', $235,253,000; ''Alcohol and Tobacco Tax and Trade Bureau, Salaries and Expenses'', $101,000,000; and ''Bureau of the Public Debt, Administering the Public Debt'', $185,985,000.

SEC. 2502. Notwithstanding section 1101, under the heading ''Department of the Treasury, Departmental Offices, Salaries and Expenses'' in division C of Public Law 111–117, the requirement to transfer funds to the National Academy of Sciences for a carbon audit of the tax code shall not apply to funds appropriated by this Act.

SEC. 2503. Notwithstanding section 1101, under the heading ''Department of the Treasury, Department-wide Systems and Capital Investments Programs'' in division C of Public Law 111–117, the first proviso shall not apply to funds appropriated by this Act.

SEC. 2504. Notwithstanding section 1101, under the heading ''Alcohol and Tobacco Tax and Trade Bureau'' in division C of Public Law 111–117, the first proviso shall not apply to funds appropriated by this Act.

SEC. 2505. Of the unobligated balances available under the heading ''Treasury Forfeiture Fund'', $350,000,000 is rescinded.

SEC. 2506. Notwithstanding section 1101, the requirement to transfer funds to the Capital Magnet Fund under the heading ''Department of the Treasury, Community Development Financial Institutions Fund Program Account'' in title I of division C of Public Law 111–117 shall not apply to funds appropriated by this Act, and the funds subject to such transfer shall remain with the aggregate amount of funds provided under the first paragraph under such heading in such Public Law.

SEC. 2507. Notwithstanding section 1101, the level for each of the following accounts of the Internal Revenue Service shall be as follows: ''Taxpayer Services'', $2,338,215,000; ''Operations Support'', $4,159,884,000; ''Business Systems Modernization'', $363,897,000; and ''Health Insurance Tax Credit Administration'', $18,987,000.

SEC. 2508. Notwithstanding section 1101, the level for ''Internal Revenue Service, Enforcement'' shall be $5,629,500,000, of which not less than $125,500,000 shall be for enforcement related to offshore tax evasion.

SEC. 2509. Notwithstanding section 1101, the level for each of the following accounts shall be $0: ''Executive Office of the President and Funds Appropriated to the President, Partnership Fund for Program Integrity Innovation''; ''Office of National Drug Control Policy, Counterdrug Technology Assessment Center''; ''District of Columbia, Federal Payment for Consolidated Laboratory Facility''; and ''Election Assistance Commission, Election Reform Programs''.

SEC. 2510. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Executive Office of the President and Funds Appropriated to the President, White House Repair and Restoration'', $2,005,000; ''Executive Office of the President and Funds Appropriated to the President, National Security Council and Homeland Security Council'', $13,984,000; ''The Judiciary, Fees of Jurors and Commissioners'', $52,410,000; ''The Judiciary, Vaccine Injury Compensation Trust Fund'', $4,785,000; ''Administrative Conference of the United States'', $2,750,000; ''Federal Deposit Insurance Corporation, Office of the Inspector General'', $47,916,000; ''Harry S Truman Scholarship Foundation'', $1,010,000; and ''Office of Special Counsel, Salaries and Expenses'', $19,435,000.

SEC. 2511. Any expenses incurred by the Election Assistance Commission using amounts appropriated under the heading ''Election Assistance Commission, Election Reform Programs'' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 327) for any program or activity which the Commission is authorized to carry

out under the Help America Vote Act of 2002 shall be considered to have been incurred for the programs and activities described under such heading.

SEC. 2512. Notwithstanding section 1101, the level for ''The Judiciary, Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses'' shall be $5,137,236,000; Provided, That notwithstanding section 302 of division C of Public Law 111–117, not to exceed $101,962,000 shall be available for transfer between accounts to maintain fiscal year 2010 operating levels.

SEC. 2513. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''19 years'' and inserting ''20 years'';

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking ''19 years'' and inserting ''20 years''; and

(3) in the seventh sentence (relating to the District of Hawaii), by striking ''16 years'' and inserting ''17 years''.

SEC. 2514. Notwithstanding any other provision of this Act, except section 1106, the District of Columbia may expend local funds for programs and activities under the heading ''District of Columbia Funds'' for such programs and activities under title IV of S. 3677 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under ''District of Columbia Funds'' as included in the Fiscal Year 2011 Budget Request Act (D.C. Act 18–448), as modified as of the date of the enactment of this Act.

SEC. 2515. Notwithstanding section 1101, the limits set forth in section 702 of division C of Public Law 111–117 shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 2516. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under the heading ''General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue'' for Federal buildings and courthouses and other purposes of the Fund shall be $8,228,561,000, of which $492,722,000 is provided for ''Construction and Acquisition'' and $500,067,000 is provided for ''Repairs and Alterations'': Provided, That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: Provided further, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds.

SEC. 2517. The matter pertaining to the amount of $1,000,000 under the heading ''General Services Administration, Operating Expenses'' in division C of Public Law 111–117 (123 Stat. 3190) shall not apply to funds appropriated by this Act.

SEC. 2518. Notwithstanding section 1101, the level for each of the following accounts of the National Archives and Records Administration shall be as follows: ''Operating Expenses'', $348,689,000; ''Office of Inspector General'', $4,250,000; ''Electronic Records Archives'', $72,000,000, of which $52,500,000 shall remain available until September 30, 2013; ''Repairs and Restoration'' , $11,848,000; and ''National Historical Publications and Records Commission, Grants Program'', $10,000,000.

SEC. 2519. Public Law 109–115 is amended, under the heading ''National Archives and Records Administration, Repairs and Restoration'', by striking ''of which $1,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska,''.

SEC. 2520. Division H of Public Law 108–447 is amended, under the heading ''National Archives and Records Administration, Repairs and Restoration'', by striking ''of which $3,000,000 is for site preparation and construction management to construct a new regional archives and records facility in Anchorage, Alaska, and''.

SEC. 2521. Public Law 111–240 is amended in section 1114 and section 1704 by striking ''December 31, 2010'' and inserting ''September 30, 2011'' each time it appears and in section 1704 by adding at the end the following: ''(c) For purposes of the loans made under this section, the maximum guaranteed amount outstanding to the borrower may not exceed $4,500,000.''.

SEC. 2522. Notwithstanding section 1101, the level for ''United States Postal Service, Payment to the Postal Service Fund'' shall be $29,000,000; and, notwithstanding section 1109, an additional $74,905,000 shall be available for obligation on October 1, 2011.

SEC. 2523. Of the unobligated balances of prior year appropriations available under the heading ''Privacy and Civil Liberties Oversight Board'', $1,500,000 is rescinded.

SEC. 2524. Section 617 of division C of Public Law 111–117 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 2525. Of the unobligated balances of prior year appropriations available under the heading ''Federal Communications Commission, Salaries and Expenses'', $2,800,000 is rescinded.

SEC. 2526. Section 710 of division C of Public Law 111–117 is amended in subsection (c) by striking ''September 30, 2009'' and inserting ''September 30, 2010'' and in subsection (e) by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 2527. Section 805(b) of division C of Public Law 111–117 is amended by striking ''November 1, 2010'' and inserting ''November 1, 2011''.

SEC. 2528. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2010'' each place it appears and inserting ''December 31, 2011.''

CHAPTER 6—HOMELAND SECURITY

SEC. 2601. Within 30 days after the date of enactment of this Act, the Department of Homeland Security shall submit to the Committees on Appropriations of the House of Representatives and the Senate an expenditure plan for fiscal year 2011 at a level of specificity below the account level for the activities listed in the detailed funding table contained in Public Law 111–83.

SEC. 2602. Notwithstanding section 1101, the level for ''Office of the Under Secretary for Management'' shall be $366,617,000, of which $129,384,000 shall remain available until expended for headquarters consolidation and improvements.

SEC. 2603. Notwithstanding section 1101, the level for ''Office of the Federal Coordinator for Gulf Coast Rebuilding'' shall be $0.

SEC. 2604. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''U.S. Customs and Border Protection, Salaries and Expenses'', $8,208,013,000; ''U.S. Customs and Border Protection, Automation Modernization'', $347,575,000; ''U.S. Customs and Border Protection, Border Security Fencing, Infrastructure, and Technology'', $574,173,000; and ''U.S. Customs and Border Protection, Construction and Facilities Management'', $275,740,000.

SEC. 2605. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''U.S. Immigration and Customs Enforcement, Salaries and Expenses'', $5,437,834,000; and ''U.S. Immigration and Customs Enforcement, Automation Modernization'', $84,700,000.

SEC. 2606. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Transportation Security Administration, Aviation Security'', $5,269,490,000, of which $320,000,000 shall be for the purchase and installation of explosives detection systems; ''Transportation Security Administration, Surface Transportation Security'', $137,558,000; and ''Transportation Security Administration, Federal Air Marshals'', $926,711,000: Provided, That in applying the second proviso under the Aviation Security heading with respect to amounts made available by this Act, ''9 percent'' shall be substituted for ''28 percent'': Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to the ''Aviation Security'' appropriation as offsetting collections and shall be available only for aviation security: Provided further, That the sum appropriated under the Aviation Security heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2011, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,169,490,000.

SEC. 2607. Section 514 of Public Law 111–83 is amended to read as follows:

''SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that screening (as that term is defined in section 44901(g)(5) of title 49, United States Code), increases incrementally each quarter until the requirement under section 44901(g)(2)(B) of such title is met.

''(b) Not later than 120 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

''(c) Not later than 180 days after the date of the enactment of the Full-Year Continuing Appropriations Act, 2011, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

''(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code has been met; or

''(2) includes a strategy to comply with the requirements under section 44901(g) of title 49, United States Code, including—

''(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

''(B) specification of—

''(i) the percentage of such air cargo that is being screened; and

''(ii) the schedule for achieving screening of 100 percent of such air cargo.

''(d) The Assistant Secretary shall continue to submit reports described in subsection (c)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.''.

SEC. 2608. (a) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(2) by inserting '', or section 46314(a)'' after ''44909)''.

(b) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

''(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than 10 years, or both.''.

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) NOTICE OF PENALTIES.—

''(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and subsection (b) of this section, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

''(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to the penalty provided for under section 46301(a)(5)(A)(i) and subsection (b) of this section without regard to whether or not signs are displayed at an airport as required by paragraph (1).''.

SEC. 2609. Notwithstanding section 1101, the level for ''Coast Guard, Operating Expenses'' shall be $6,913,113,000, of which $241,503,000 made available for overseas deployments and other activities is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU–25 aircraft, the Maritime Intelligence Fusion Center, and one Maritime Safety and Security Team, and make staffing changes at the Coast Guard Investigative Service, as outlined in its budget justification documents for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives.

SEC. 2610. Notwithstanding section 1101, the level for ''Coast Guard, Acquisition, Construction, and Improvements'' shall be $1,477,985,000, of which $2,000,000 shall be derived from the Coast Guard Housing Fund, established by section 687 of title 14, United States Code, and shall remain available until expended for military family housing; of which $73,200,000 shall be for vessels, small boats, critical infrastructure and related equipment; of which $36,000,000 shall be for other equipment; of which $69,200,000 shall be for shore facilities and aids to navigation facilities; of which $106,083,000 shall be available for personnel compensation and benefits and related costs; and of which $1,191,502,000 shall be for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, $103,000,000 is for aircraft and $933,002,000 is for surface ships.

SEC. 2611. Notwithstanding section 1101, the level for ''Coast Guard, Alteration of Bridges'' shall be $0.

SEC. 2612. (a) Subject to subsection (b), for fiscal year 2011, the Coast Guard may enter into agreements under section 1535 of title 31, United States Code, with the Secretary of the Navy for the disposal of Coast Guard vessels in accordance with sections 7305 and 7305a of title 10, United States Code.

(b) Any agreement entered into under subsection (a) shall be at no additional cost to the United States Navy.

SEC. 2613. In addition to amounts otherwise made available by this Act to ''United States Secret Service, Salaries and Expenses'', $14,000,000 is appropriated for costs associated with protection to be provided to candidates in the 2012 presidential campaign and $7,000,000 is appropriated for costs associated with implementation of the United States Secret Service Uniformed Division Modernization Act of 2010 (Public Law 111–282).

SEC. 2614. Notwithstanding section 1101, the level for ''National Protection and Programs Directorate, Infrastructure Protection and Information Security'' shall be $878,316,000.

SEC. 2615. Notwithstanding section 1101, the level for ''United States Visitor and Immigrant Status Indicator Technology'' shall be $339,263,000.

SEC. 2616. Notwithstanding section 1101, the level for ''Federal Emergency Management Agency, State and Local Programs'' shall be $2,913,058,000: Provided, That 4.5 percent of the amount provided shall be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration: Provided further, That paragraph (10) and subparagraphs (B) and (C) of paragraph (13) under the heading ''Federal Emergency Management Agency, State and Local Programs'' in Public Law 111–83 shall not apply to funds appropriated by this Act: Provided further, That $12,558,000 is available under paragraph (12) under such heading in such public law, to be competitively awarded.

SEC. 2617. Notwithstanding section 1101, in fiscal year 2011, funds shall not be available from the National Flood Insurance Fund under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017) for operating expenses in excess of $110,000,000, and for agents' commissions and taxes in excess of $963,339,000: Provided, That notwithstanding section 1101, for activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the level shall be $169,000,000, which shall be derived from offsetting collections assessed and collected under 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed $22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $146,855,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2012.

SEC. 2618. Notwithstanding the requirement under section 34(a)(1)(A) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(A)) that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act using the funds appropriated for fiscal year 2011, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: Provided further, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated for fiscal year 2011 for grants under section 34 of such Act: Provided further, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated for fiscal year 2011 are made available for the retention of firefighters.

SEC. 2619. Notwithstanding section 1101, the level for ''Federal Emergency Management Agency, National Predisaster Mitigation Fund'' shall be $85,000,000.

SEC. 2620. Notwithstanding section 1101, the level for ''Federal Emergency Management Agency, Disaster Relief'' shall be increased by $130,000,000.

SEC. 2621. Section 203 (m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 2622. Notwithstanding section 1101, the level for ''United States Citizenship and Immigration Services'' shall be $306,400,000, of which $176,000,000 shall be for processing applications for asylum or refugee status, and of which $103,400,000 is for the E–Verify Program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act (8 U.S.C. 1324a note): Provided, That none of the funds made available in this section shall be available for development of the system commonly known as the ''REAL ID hub''.

SEC. 2623. Notwithstanding section 1101, the level for ''Federal Law Enforcement Training Center, Acquisition, Construction, Improvements, and Related Expenses'' shall be $38,456,000.

SEC. 2624. Notwithstanding section 1101, the level for ''Science and Technology, Research, Development, Acquisition, and Operations'' shall be $821,906,000: Provided, That the final proviso under this heading in Public Law 111–83 (related to the National Bio- and Agro-defense Facility) shall have no effect with respect to all amounts available under this heading.

SEC. 2625. Notwithstanding section 1101, the level for ''Domestic Nuclear Detection Office, Research, Development, and Operations'' shall be $299,537,000.

SEC. 2626. Section 560 of Public Law 111–83 (123 Stat. 2181) is amended to read as follows:

''SEC. 560. (a) No funding provided in this or previous appropriations Acts shall be used for construction of the National Bio- and Agro-defense Facility in Manhattan, Kansas until—

''(1) the Department of Homeland Security has completed 50 percent of National Bio- and Agro-defense Facility design planning and submitted a revised site-specific biosafety and biosecurity mitigation risk assessment that describes how to significantly reduce risks of conducting essential research and diagnostic testing at the National Bio- and Agro-defense Facility and addresses shortcomings identified in the National Academy of Sciences' evaluation of the initial site-specific biosafety and biosecurity mitigation risk assessment; and

''(2) the National Academy of Sciences submits an evaluation of the revised site-specific biosafety and biosecurity mitigation risk assessment.

''(b) The revised site-specific biosafety and biosecurity mitigation risk assessment required by subsection (a) shall—

''(1) include a quantitative risk assessment for foot-and-mouth disease virus, in particular epidemiological and economic impact modeling to determine the overall risk of operating the facility for its expected 50-year life span, taking into account strategies to mitigate risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-defense Facility site;

''(2) address the impact of surveillance, response, and mitigation plans (developed in consultation with local, State, and national authorities and appropriate stakeholders) if a release occurs, to detect and control the spread of disease; and

''(3) include overall risks of the most dangerous pathogens the Department of Homeland Security expects to hold in the National Bio- and Agro-defense Facility's biosafety level 4 facility, and effectiveness of mitigation strategies to reduce those risks.

''(c) The Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (a). The National Academy of Sciences shall submit a report on such evaluation within 4 months after the date the Department of Homeland Security concludes its risk assessment.''.

SEC. 2627. From the unobligated balances for ''Operations'' of funds transferred to the Department of Homeland Security when it was created in 2003, $1,891,657 is rescinded.

SEC. 2628. From the unobligated balances available for prior fiscal years for ''U.S. Customs and Border Protection, Construction'' for construction projects, $99,772,000 is rescinded: Provided, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities.

SEC. 2629. From the unobligated balances of funds for the ''Violent Crime Reduction Program'' transferred to the Department of Homeland Security when it was established in 2003, $4,912,245 is rescinded.

SEC. 2630. From the unobligated balances of prior year appropriations made available for

''U.S. Customs and Border Protection, Salaries and Expenses'' transferred to the Department of Homeland Security when it was established in 2003, $18,122,393 is rescinded.

SEC. 2631. From the unobligated balances of prior year appropriations made available for ''Federal Emergency Management Agency, National Pre-Disaster Mitigation Fund'', $18,173,641 is rescinded.

SEC. 2632. From the unobligated balances of funds for the ''Office for Domestic Preparedness'' transferred to the Department of Homeland Security when it was established, $10,568,964 is rescinded.

SEC. 2633. From unobligated balances of prior year appropriations made available for United States Citizenship and Immigration Services for the program commonly known as the ''REAL ID hub'', $16,500,000 is rescinded.

SEC. 2634. From the unobligated balances of prior year appropriations made available for ''Science and Technology, Research, Development, Acquisition, and Operations'', $32,000,000 is rescinded.

SEC. 2635. From the unobligated balances of funds made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102–393, $22,600,000 is rescinded.

SEC. 2636. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note), is amended by striking ''on October 4, 2010'' and inserting ''on October 4, 2011''.

SEC. 2637. Section 532(a) of Public Law 109–295 (120 Stat. 1384), as amended by section 519 of Public Law 111–83 (123 Stat 2171), is amended by striking ''2010'' and inserting ''2011''.

SEC. 2638. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391), as amended by section 531 of Public Law 111–83 (123 Stat 2174), is amended—

(1) in subsection (a), by striking ''Until September 30, 2010'' and inserting ''Until September 30, 2011,''; and

(2) in subsection (d)(1), by striking ''September 30, 2010,'' and inserting ''September 30, 2011,''.

CHAPTER 7—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

SEC. 2701. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Bureau of Land Management, Management of Lands and Resources'', $971,306,000; ''National Park Service, National Recreation and Preservation'', $62,586,000; ''Minerals Management Service, Oil Spill Research'', $11,768,000; ''Indian Health Service, Indian Health Facilities'', $443,320,000; ''Smithsonian Institution, Legacy Fund'', $0; ''Dwight D. Eisenhower Memorial Commission, Salaries and Expenses'', $0; and ''Dwight D. Eisenhower Memorial Commission, Capital Construction'', $0.

SEC. 2702. Notwithstanding any other provision of this Act, the funding level for ''National Park Service, Park Partnership Project Grants'' shall be $0 and the matter pertaining to such account in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2703. Notwithstanding section 1101, the last proviso under the heading ''National Park Service, Construction'' in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2704. Notwithstanding section 1101, the level for ''United States Geological Survey, Surveys, Investigations, and Research'' shall be $1,125,090,000, of which $53,500,000 shall be for satellite operations, and of which $4,807,000 shall be for deferred maintenance and capital improvement projects that exceed $100,000 in cost.

SEC. 2705. Notwithstanding section 1101, the provisions under the heading ''Minerals Management Service, Royalty and Offshore Minerals Management'' in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ''$271,113,000'' for ''$175,217,000''; by substituting ''$113,174,000'' for ''$89,374,000''; by substituting ''$154,890,000'' for ''$156,730,000'' each place it appears; and by substituting ''fiscal year 2011'' for ''fiscal year 2010'' each place it appears.

SEC. 2706. Notwithstanding section 1101, the provisions under the heading ''Bureau of Indian Affairs, Operation of Indian Programs'' in division A of Public Law 111–88 shall be applied to funds appropriated by this Act as follows: by substituting ''$2,355,965,000'' for ''$2,335,965,000''; by substituting ''$200,000,000'' for ''$166,000,000'' in the matter pertaining to contract support costs; by substituting ''$85,000,000'' for ''$74,915,000'' in the matter pertaining to welfare assistance payments; by substituting ''$597,449,000'' for ''$568,702,000'' in the matter pertaining to school operations costs of Bureau-funded schools and other education programs; and by substituting ''$53,899,000'' for ''$43,373,000'' in the matter pertaining to administrative cost grants for school operations.

SEC. 2707. The matter pertaining to Public Law 109–379 (regarding the Isleta Pueblo settlement) under the heading ''Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians'' in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2708. Notwithstanding section 1101, the level for ''Environmental Protection Agency, Environmental Programs and Management'' shall be $2,840,779,000, of which $455,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying Public Law 111–88, except that the funding level for the Great Lakes Restoration Initiative shall be $322,000,000.

SEC. 2709. Notwithstanding section 1101, the level for ''Environmental Protection Agency, State and Tribal Assistance Grants'' shall be $4,813,446,000, of which $0 shall be for special project grants.

SEC. 2710. Notwithstanding section 1101, the amounts included under the heading ''Administrative Provisions, Environmental Protection Agency'' in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ''$322,000,000'' for ''$475,000,000''.

SEC. 2711. Of the unobligated balances available for ''Environmental Protection Agency, State and Tribal Assistance Grants'', $10,000,000 is rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2712. Notwithstanding section 1101, the level for ''Forest Service, National Forest System'' shall be $1,581,339,000, of which $30,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f).

SEC. 2713. Notwithstanding section 1101, the level for ''Indian Health Service, Indian Health Services'' shall be $3,797,227,000, and the provisions under such heading shall be applied to funds appropriated by this Act by substituting ''$816,759,000'' for ''$779,347,000'' in the matter pertaining to contract medical care; by substituting ''$404,332,000'' for ''$398,490,000'' in the matter pertaining to contract support costs; and in section 409 of division A of Public Law 111–88 by substituting ''111–8, and 111–88'' for ''and 111–8'' and by substituting ''2010'' for ''2009''.

SEC. 2714. The matter pertaining to methyl isocyanate in the last proviso under the heading ''Chemical Safety and Hazard Investigation Board, Salaries and Expenses'' in division A of Public Law 111–88 shall not apply to funds appropriated by this Act.

SEC. 2715. Notwithstanding section 1101, the provisions under the heading ''National Gallery of Art, Repair, Restoration and Renovation of Buildings'' in division A of Public Law 111–88 shall be applied to funds appropriated by this Act by substituting ''$42,250,000'' for ''$40,000,000'' in the matter pertaining to repair of the National Gallery's East Building façade.

SEC. 2716. The first proviso under the heading ''John F. Kennedy Center for the Performing Arts, Operations and Maintenance'' in division A of Public Law 111–88 is amended by striking ''until expended'' and all that follows and inserting ''until September 30, 2011.''.

SEC. 2717. The contract authority provided for fiscal year 2011 for ''National Park Service, Land and Water Conservation Fund'' by 16 U.S.C. 460l–10a is rescinded.

SEC. 2718. (a) Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5 year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild free-roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

(b) During fiscal year 2011 and subsequent fiscal years, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau of Land Management may record obligations against accounts receivable from any such entities.

SEC. 2719. During fiscal year 2011, the Secretary of the Interior, in order to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement, may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take any other administrative actions necessary in conformance with the Appropriations Committee reprogramming procedures described in the joint explanatory statement of the managers accompanying Public Law 111–88.

SEC. 2720. Notwithstanding any other provision of this Act, during fiscal year 2011 and subsequent fiscal years, the Secretary of Agriculture, acting through the Forest Service, may carry out a program, to be known as the ''Legacy Road and Trail Remediation program'', to conduct urgently needed decommissioning of Forest Service roads, forest road and trail repair and maintenance and associated activities, and removal of fish passage barriers on National Forest System lands, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies supporting threatened, endangered, or sensitive species or community water sources.

SEC. 2721. Notwithstanding section 1101, section 423 of Public Law 111–88 (123 Stat. 2961), concerning the distribution of geothermal energy receipts, shall have no force or effect and the provisions of section 3003(a) of Public Law 111–212 (124 Stat. 2338) shall apply for fiscal year 2011.

SEC. 2722. The authority provided by section 337 of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3102), as amended, shall remain in effect until the date specified in section 1106 of this Act.

SEC. 2723. Section 433 of division A of Public Law 111–88 (regarding Forest Service cabin user fees) is amended by striking ''2010'' and ''2009'' and inserting ''2011'' and ''2010'', respectively.

SEC. 2724. Section 11(c)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1340(c)(1)) is amended by striking ''within thirty days'' and inserting ''within ninety days''.

SEC. 2725. Notwithstanding section 1101, the level for section 415 of division A of Public Law 111–88 shall be $0.

SEC. 2726. Within 30 days after the date of the enactment of this Act, each of the following departments and agencies shall submit to the House and Senate Committees on Appropriations a spending, expenditure, or operating plan for fiscal year 2011 at a level of detail below the account level:

(1) Department of Agriculture, Forest Service.

(2) Department of the Interior.

(3) Environmental Protection Agency.

(4) Indian Health Service.

(5) Smithsonian Institution.

(6) National Gallery of Art.

(7) National Endowment for the Arts.

(8) National Endowment for the Humanities.

SEC. 2727. (a) MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 479), is amended—

(A) by striking ''The term'' and inserting ''Effective beginning on June 18, 1934, the term''; and

(B) by striking ''any recognized Indian tribe now under Federal jurisdiction'' and inserting ''any federally recognized Indian tribe''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 479), on the date of enactment of that Act.

(b) RATIFICATION AND CONFIRMATION OF ACTIONS.—Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.) for any Indian tribe that was federally recognized on the date of the action is ratified and confirmed, to the extent such action is subjected to challenge based on whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, ratified and confirmed as fully to all intents and purposes as if the action had, by prior act of Congress, been specifically authorized and directed.

(c) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Nothing in this section or the amendments made by this section affects—

(A) the application or effect of any Federal law other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as amended by subsection (a)); or

(B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as so amended).

(2) REFERENCES IN OTHER LAWS.—An express reference to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) contained in any other Federal law shall be considered to be a reference to that Act as amended by subsection (a).

CHAPTER 8—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

SEC. 2801. (a) Notwithstanding section 1101, the level for ''Department of Labor, Employment and Training Administration, Training and Employment Services'' shall be $1,906,530,000 plus reimbursements, of which (1) $879,961,000 shall be available for obligation for the period July 1, 2011, through June 30, 2012, of which $68,450,000 shall be available for pilots, demonstrations, and research activities; (2) $1,026,569,000 shall be available for obligation for the period April 1, 2011, through June 30, 2012, for youth programs (including YouthBuild); and (3) no funds shall be available for the Career Pathways Innovation Fund.

(b) Notwithstanding section 1101, the level for ''Department of Labor, Employment and Training Administration, Community Service Employment for Older Americans'' shall be $620,425,000, to remain available through June 30, 2012, and the first and second provisos under such heading in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

(c) Notwithstanding section 1101, the level which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund for administrative expenses of ''Department of Labor, Employment and Training Administration, State Unemployment Insurance and Employment Service Operations'' shall be $4,154,490,000 (which includes all amounts available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), of which $3,375,645,000 shall be available for unemployment compensation State operations, $50,519,000 shall be available for Federal administration of foreign labor certifications, and $15,129,000 shall be available for grants to States for the administration of such activities. For purposes of this section, the first proviso under such heading in division D of Public Law 111–117 shall be applied by substituting ''2011'' and ''6,051,000'' for ''2010'' and ''5,059,000'', respectively.

SEC. 2802. Funds appropriated by section 1101 of this Act to the Department of Labor's Employment and Training Administration for technical assistance services to grantees may be transferred to ''Department of Labor, Employment and Training Administration, Program Administration'' if it is determined that those services will be more efficiently performed by Federal staff.

SEC. 2803. Notwithstanding section 1101, the level for ''Department of Labor, Employee Benefits Security Administration, Salaries and Expenses'' shall be $164,861,000.

SEC. 2804. Notwithstanding section 1101, the level for ''Department of Labor, Mine Safety and Health Administration, Salaries and Expenses'' shall be $381,493,000, of which up to $15,000,000 shall be available to the Secretary of Labor to be transferred to ''Departmental Management, Salaries and Expenses'' for activities related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission and the amounts included under the heading ''Department of Labor, Mine Safety and Health Administration, Salaries and Expenses'' in division D of Public Law 111–117 shall be applied to funds appropriated in this Act during fiscal year 2011 by substituting ''$1,350,000'' for ''$1,000,000''.

SEC. 2805. Funds appropriated by section 1101 of this Act for ''Department of Labor, Bureau of Labor Statistics, Salaries and Expenses'' may be obligated and expended to implement an alternative approach to the Locality Pay Survey component of the National Compensation Survey.

SEC. 2806. Notwithstanding section 1101, the level for ''Department of Labor, Departmental Management, Office of Job Corps'' shall be $1,027,205,000 (which may be administered within the Employment and Training Administration pursuant to section 108 of division D of Public Law 111–117), of which $993,015,000 shall be available to meet the operational needs of Job Corps centers. Of appropriations made available in this Act for construction, rehabilitation, and acquisition of Job Corps centers, the Secretary of Labor may transfer up to 25 percent to meet the operational needs of Job Corps centers.

SEC. 2807. (a) Of the unobligated balances available in ''Department of Labor, Working Capital Fund'', $3,900,000 is permanently rescinded, to be derived solely from amounts available in the Investment in Reinvention Fund (other than amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985).

(b) Public Law 85–67 is amended by striking the third proviso under the heading ''Working Capital Fund'' (as added by Public Law 104–134) and relating to establishment of an Investment in Reinvention Fund.

SEC. 2808. Notwithstanding section 102 of division D of Public Law 111–117, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) that are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred among appropriations, but no such appropriation to which such funds are transferred may be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

SEC. 2809. (a) Notwithstanding section 1101, the level for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'' shall be $7,270,520,000, of which (1) not more than $100,000,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law; (2) not less than $1,932,865,000 shall remain available through September 30, 2013 for parts A and B of title XXVI of the Public Health Service Act (hereafter in this chapter,''PHS Act''), of which not less than $835,000,000 shall be for State AIDS Drug Assistance Programs under section 2616 of such Act; (3) in addition to amounts designated above to carry out parts A and B of title XXVI of the PHS Act, $60,000,000 shall be available through September 30, 2013, for allocation to State AIDS Drug Assistance Programs under section 2616 or section 311(c) of the PHS Act; and (4) not less than $612,954,000 shall be available for health professions programs under titles VII and VIII and section 340G of the PHS Act.

(b) The eighteenth and nineteenth provisos under the heading ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'' in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

(c) Sections 340G–1(d)(1) and (d)(2), 747(c)(2), and 751(j)(2) of the PHS Act, and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of such Act shall not apply to funds made available in this Act for ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services''.

(d) For any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of Health and Human Services may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act.

SEC. 2810. (a) Notwithstanding section 1101, the level for the first paragraph under the heading ''Department of Health and Human Services; Centers for Disease Control and Prevention; Disease Control, Research, and Training'' shall be $6,251,352,000, of which (1) $150,137,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; (2) $12,000,000 shall remain available until expended for acquisition of real property, equipment, construction, and renovation of facilities, including necessary repairs and improvements to laboratories leased or operated by the Centers for Disease Control and Prevention; and (3) $527,234,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act.

(b) Paragraphs (1) through (3) of section 2821(b) of the PHS Act shall not apply to funds made available in this Act.

(c) Notwithstanding section 1101, funds appropriated for ''Department of Health and Human Services; Centers for Disease Control and Prevention; Disease Control, Research, and Training'' shall also be available to carry out title II

of the Immigration and Nationality Act and sections 4001, 4004, 4201, and 4301 of the Patient Protection and Affordable Care Act (Public Law 111–148).

SEC. 2811. Notwithstanding section 1101, the level for ''Department of Health and Human Services, National Institutes of Health, National Institute of Allergy and Infectious Diseases'' shall be $4,818,275,000, and the requirement under such heading in division D of Public Law 111–117 for a transfer from Biodefense Countermeasures funds shall not apply.

SEC. 2812. Of the amount provided by section 1101 for ''Department of Health and Human Services, National Institutes of Health, Office of the Director'' (including amounts available for the Common Fund and the Director's Discretionary Fund), up to $25,000,000 shall be available to implement the Cures Acceleration Network authorized by section 402C of the PHS Act.

SEC. 2813. (a) Notwithstanding section 1101, the level for ''Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services'' shall be $3,417,106,000.

(b) The second proviso under the heading ''Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Substance Abuse and Mental Health Services'' in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

SEC. 2814. Notwithstanding section 1101, the level for amounts transferred from the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds for ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management'' shall not exceed $3,623,113,000, of which $9,120,000 shall remain available through September 30, 2012, for Medicare contracting reform activities.

SEC. 2815. Notwithstanding section 1101, the level for ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Health Care Fraud and Abuse Control'' shall be $461,000,000 which shall remain available through September 30, 2012, of which (1) $274,640,000 shall be for the Medicare Integrity Program at the Centers for Medicare & Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; (2) $78,057,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; (3) $34,400,000 shall be for the Medicaid and Children's Health Insurance Program (''CHIP'') program integrity activities; and (4) $73,903,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act.

SEC. 2816. Notwithstanding section 1101, the level for ''Department of Health and Human Services, Administration for Children and Families, Payments to States for the Child Care and Development Block Grant'' shall be $2,501,081,000.

SEC. 2817. (a) Notwithstanding section 1101, the level for ''Department of Health and Human Services, Administration for Children and Families, Children and Families Services Programs'' shall be $9,643,532,000, of which—

(1) $44,500,000 shall be for grants to States for adoption incentive payments as authorized by section 473A of the Social Security Act;

(2) $7,548,783,000 shall be for making payments under the Head Start Act; and, for purposes of allocating such funds under the Head Start Act, the term ''base grant'' as used in subsection (a)(7)(A) of section 640 of such Act with respect to funding provided to a Head Start agency (including each Early Head Start agency) for fiscal year 2010 shall be deemed to include an amount obtained by multiplying 50 percent of the funds appropriated under ''Department of Health and Human Services, Administration for Children and Families, Children and Family Services Programs'' in Public Law 111–5 and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12 month budget period beginning in fiscal year 2010 (''expansion grants''), by a fraction whose numerator is the number of children actually enrolled in that agency's Head Start program in slots funded by such expansion grants as of October 30, 2010, and whose denominator is the client population number included in the obligating documents for such expansion grants for that agency's Head Start program for such budget period; and

(3) $766,000,000 shall be for making payments under the Community Service Block Grant (''CSBG'') Act and of which $56,000,000 shall be for section 680(a)(2) of the CSBG Act.

(b) Notwithstanding section 611(d)(1) of title VI of division G of Public Law 110–161, the National Commission on Children and Disasters shall terminate on October 1, 2011.

SEC. 2818. (a) Notwithstanding section 1101, funds appropriated for ''Department of Health and Human Services, Administration on Aging, Aging Services Programs'' shall also be available to carry out subtitle B of title XX of the Social Security Act and for necessary administrative expenses to carry out title XVII of the PHS Act.

(b) Amounts otherwise available in this Act to carry out activities relating to Aging and Disability Resource Centers, under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the Older Americans Act of 1965, shall be reduced by any amounts made available for fiscal year 2011 for such purposes under section 2405 of the Patient Protection and Affordable Care Act.

SEC. 2819. The amounts included under the heading ''Department of Health and Human Services, Office of the Secretary, General Departmental Management'' in division D of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ''$538,318,000'' for ''$493,377,000'' and such amounts shall also be available to carry out title XXVII of the PHS Act, the second proviso under such heading shall not apply, and none of the funds made available in this Act shall be for carrying out activities specified under section 2003(b)(2) or (3) of the PHS Act.

SEC. 2820. Notwithstanding section 1101, the level for ''Department of Health and Human Services, Office of the Secretary, Office of Medicare Hearings and Appeals'' shall be $77,798,000.

SEC. 2821. Notwithstanding section 1101, the level for ''Department of Health and Human Services, Office of the Secretary, Office of Inspector General'' shall be $60,754,000.

SEC. 2822. Notwithstanding section 1101, the level for ''Department of Health and Human Services, Office of the Secretary, Office for Civil Rights'' (excluding amounts transferred from trust funds) shall be $41,068,000.

SEC. 2823. (a) Notwithstanding section 1101, the level for ''Department of Health and Human Services, Office of the Secretary, Public Health and Social Services and Emergency Fund'' shall be $1,134,303,000, of which (1) $403,194,000 shall remain available through September 30, 2012, to support advanced research and development pursuant to section 319L of the PHS Act and which shall be derived by transfer from funds transferred to ''Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund'' by Public Law 111–117 in the fourth paragraph under such heading; (2) $78,167,000 shall be for expenses necessary to prepare for and respond to an influenza pandemic, none of which shall be available past September 30, 2011; and (3) $35,000,000 shall be for expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services.

(b) Of the amounts provided under the heading ''Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund'' in Public Laws 111–8 and 111–117 and available for expenses necessary to prepare for and respond to an influenza pandemic, $170,000,000 may also be used (1) to plan, conduct, and support research to advance regulatory science to improve the ability to determine safety, effectiveness, quality, and performance of medical countermeasure products against chemical, biological, radiological, and nuclear agents including influenza virus; and (2) to analyze, conduct, and improve regulatory review and compliance processes for such products.

SEC. 2824. (a) Not later than 45 days after enactment of this Act, the Secretary of Health and Human Services shall transfer from ''Prevention and Public Health Fund''—

(1) $20,000,000 to ''Health Resources and Services'' for an additional amount to carry out sections 766, 767, 768, and 776 of the PHS Act;

(2) $630,000,000 to ''Disease Control, Research, and Training'' for an additional amount to carry out sections 306, 317(k)(2)(A), 317G, 399U, 1706, and 2821 of the PHS Act; sections 4001, 4004, 4201, and 4301 of the Patient Protection and Affordable Care Act; Public Law 99–252; Public Law 98–474; the immunization program under authority of section 317(a), (j), (k)(1), (l), and (m) of the PHS Act; the Environmental Public Health Tracking Program under authority of section 301 of the PHS Act; the Racial and Ethnic Approaches to Community Health program under authority of section 1703 of the PHS Act; the activities of the Office of Smoking and Health under authority of sections 317 and 1701 of the PHS Act; and State grants for chronic disease activities under section 317(k)(2)(B) of the PHS Act;

(3) $88,000,000 to ''Substance Abuse and Mental Health Services'' for an additional amount for suicide prevention activities and to carry out sections 505, 509, and 520(k) of the PHS Act; and

(4) $12,000,000 to ''Healthcare Research and Quality'' for an additional amount to carry out sections 902(a)(7) and 915(a) of the PHS Act.

(b) Not later than 60 days after enactment of this Act, the Secretary of Health and Human Services shall submit an operating plan to the Committees on Appropriations detailing the amounts allocated to the programs identified in subsection (a).

SEC. 2825. Notwithstanding section 206 of division D of Public Law 111–117, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) that are appropriated by this Act for the current fiscal year for agencies of the Department of Health and Human Services for which funds were provided in such division may be transferred among appropriations, but no such appropriation to which such funds are transferred may be increased by more than 3 percent by any such transfer: Provided, That the transfer authority granted by this section shall be available only to meet unanticipated needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: Provided further, That the Committees on Appropriations are notified at least 15 days in advance of any transfer.

SEC. 2826. Hereafter, no funds appropriated in this or any previous or subsequent Act shall be subject to the allocation requirements of section 1707A(e) of the PHS Act.

SEC. 2827. Hereafter, no funds appropriated in this or any previous or subsequent Act shall be available for transfer under section 274 of the PHS Act.

SEC. 2828. Federal administrative costs for activities authorized subsequent to enactment of division D of Public Law 111–117 may be funded from the relevant appropriations provided in this Act for administrative costs.

SEC. 2829. Notwithstanding section 1101, the level for ''Department of Education, School Improvement Programs'' shall be $3,540,003,000, of which $3,358,993,000 shall become available on July 1, 2011, and remain available through September 30, 2012, and for purposes of this section, up to $11,500,000 of the funds available for the Foreign Language Assistance Program shall be available for activities described in the twelfth proviso under such heading in division D of Public Law 111–117.

SEC. 2830. (a) Notwithstanding section 1101, the level for ''Department of Education, Innovation and Improvement'' shall be $1,870,123,000, of which $602,628,000 shall be available to carry out part D of title V of the Elementary and Secondary Education Act of 1965, including up to $25,000,000 of such funds to remain available through September 30, 2012, and of which not more than $550,000,000 may be used to make awards to States under section 14006 of division A of Public Law 111–5 in accordance with the applicable requirements of that section.

(b) The seventeenth and eighteenth provisos under the heading ''Department of Education, Innovation and Improvement'' in division D of Public Law 111–117 shall not apply to funds appropriated by this Act.

SEC. 2831. Notwithstanding section 1101, the level for ''Department of Education, Safe Schools and Citizenship Education'' shall be $384,841,000, of which (1) funds provided to carry out subpart 3 of part C of title II of the Elementary and Secondary Education Act of 1965 (''ESEA'') shall be available to the Secretary of Education for competitive grants to nonprofit organizations that have demonstrated effectiveness in the development and implementation of civic learning programs, with priority for those programs that demonstrate innovation, scalability, accountability, and a focus on underserved populations; and (2) no funds shall be available for activities authorized under subpart 3 of part D of title V of the ESEA.

SEC. 2832. Notwithstanding section 1101, the level for ''Department of Education, Rehabilitation Services and Disability Research'' shall be $3,501,766,000.

SEC. 2833. Within the funds provided by section 1101 for ''Department of Education, Special Institutions for Persons with Disabilities, National Technical Institute for the Deaf'', amounts designated for construction shall also be available for any other authorized purpose under such heading.

SEC. 2834. Notwithstanding section 1101, the level for ''Department of Education; Career, Technical, and Adult Education'' shall be $1,200,447,000, of which $1,196,047,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012.

SEC. 2835. (a) Notwithstanding section 1101, the level for ''Department of Education, Student Financial Assistance'' shall be $24,963,809,000.

(b) The maximum Pell Grant for which a student shall be eligible during award year 2011–2012 shall be $4,860.

(c) Of the funds made available under section 401A(e)(1)(E) of the Higher Education Act of 1965, $597,000,000 is rescinded.

SEC. 2836. Notwithstanding sections 1101 and 1103, the level for ''Department of Education, Student Aid Administration'' shall be $994,000,000, which shall remain available through September 30, 2012.

SEC. 2837. Notwithstanding section 1101, the level for ''Department of Education, Higher Education'' shall be $2,177,915,000.

SEC. 2838. Of the amount provided by section 1101 for ''Department of Education, Institute of Education Sciences'' and notwithstanding subsections (d) and (e) of section 174 the Education Sciences Reform Act of 2002, $69,650,000 may be used to continue the contracts for the Regional Educational Laboratories for one additional year.

SEC. 2839. Notwithstanding section 1101, the level for ''Department of Education, Departmental Management, Program Administration'' shall be $465,000,000, of which up to $17,000,000 shall remain available until expended for relocation of, and renovation of buildings occupied by, Department staff.

SEC. 2840. Notwithstanding section 1101, the level for ''Corporation for National and Community Service, National Service Trust'' shall be $217,000,000.

SEC. 2841. Notwithstanding section 1101, the level for ''Corporation for Public Broadcasting'' for fiscal year 2011 shall be $36,000,000 and shall not be available for fiscal stabilization grants and the public radio interconnection system.

SEC. 2842. Notwithstanding section 1101, the level for ''Federal Mine Safety and Health Review Commission, Salaries and Expenses'' shall be $15,706,000.

SEC. 2843. Notwithstanding section 1101, the level for ''Institute of Museum and Library Services, Office of Museum and Library Services: Grants and Administration'' shall be $265,869,000.

SEC. 2844. Notwithstanding section 1101, the level for ''Medicare Payment Advisory Commission, Salaries and Expenses'' shall be $12,850,000.

SEC. 2845. Notwithstanding section 1101, the level for ''Railroad Retirement Board, Dual Benefits Payments Account'' shall be $57,000,000.

SEC. 2846. (a) Notwithstanding section 1101, the level for ''Social Security Administration, Payments to Social Security Trust Funds'' shall be $21,404,000, and in addition may be used to carry out section 217(g) of the Social Security Act.

(b) Notwithstanding section 1101, the level for the first paragraph under the heading ''Social Security Administration, Limitation on Administrative Expenses'' shall be $11,240,500,000.

(c) Notwithstanding section 1101, the level for the first paragraph under the heading ''Social Security Administration, Supplemental Security Income Program'' shall be $40,320,200,000, of which $3,587,200,000 shall be for administrative expenses.

(d) Upon enactment of this Act, up to $325,000,000 of the remaining unobligated balances of funds appropriated for ''Social Security Administration, Limitation on Administrative Expenses'' for fiscal years 2010 and prior years (other than funds appropriated in Public Law 111–5) shall be made part of and merged with other funds in such account available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure, and of such funds available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure $325,000,000 is rescinded.

SEC. 2847. Section 6402(f)(3)(C) of the Internal Revenue Code of 1986, as amended by section 801(a)(3)(C) of the Claims Resolution Act of 2010, is further amended by striking the word ''not''.

CHAPTER 9—LEGISLATIVE BRANCH

SEC. 2901. Notwithstanding section 1101, the level for each of the following accounts of the Senate shall be as follows: ''Salaries, Officers and Employees'', $185,982,000; ''Salaries, Officers and Employees, Office of the Sergeant at Arms and Doorkeeper'', $77,000,000; ''Contingent Expenses of the Senate, Secretary of the Senate'', $6,200,000; and ''Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate'', $142,401,000.

SEC. 2902. Section 8 of the Legislative Branch Appropriations Act, 1990 (31 U.S.C. 1535 note) is amended by striking paragraph (3) and inserting the following: ''(3) Agreement under paragraph (1) shall be in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.''.

SEC. 2903. Notwithstanding section 1101, the level for ''House of Representatives, Salaries and Expenses'' shall be $1,371,172,000, to be allocated in accordance with an allocation plan submitted by the Chief Administrative Officer of the House of Representatives and approved by the Committee on Appropriations of the House of Representatives.

SEC. 2904. Notwithstanding section 1101, the level for each of the following accounts of the Capitol Police shall be as follows: ''Salaries'', $279,224,000, of which $1,945,000 shall remain available until September 30, 2014; and ''General Expenses'', $57,985,000.

SEC. 2905. (a) Notwithstanding section 1018(d) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(d)), the use of any funds appropriated to the United States Capitol Police during fiscal year 2003 for transfer relating to the Truck Interdiction Monitoring Program to the working capital fund established under section 328 of title 49, United States Code, is ratified.

(b) Nothing in subsection (a) may be construed to waive sections 1341, 1342, 1349, 1350, or 1351 of title 31, United States Code, or subchapter II of chapter 15 of such title (commonly known as the ''Anti-Deficiency Act'').

SEC. 2906. Notwithstanding section 1101, the level for ''Congressional Budget Office, Salaries and Expenses'' shall be $46,905,000.

SEC. 2907. Notwithstanding section 1101, the level for each of the following accounts of the Architect of the Capitol shall be as follows: ''General Administration'', $109,294,000, of which $7,499,000 shall remain available until September 30, 2015; ''Capitol Building'', $54,616,000, of which $27,226,000 shall remain available until September 30, 2015; ''Capitol Grounds'', $9,988,000; ''Senate Office Buildings'', $81,112,000, of which $19,474,000 shall remain available until September 30, 2015; ''House Office Buildings'', $75,619,000, of which $25,323,000 shall remain available until September 30, 2015; ''Capitol Power Plant'', $109,069,000, of which $15,100,000 shall remain available until September 30, 2015; ''Library Buildings and Grounds'', $44,396,000, of which $17,457,000 shall remain available until September 30, 2015; ''Capitol Police Buildings, Grounds and Security'', $26,266,000, of which $6,436,000 shall remain available until September 30, 2015; ''Botanic Garden'', $13,834,000, of which $1,505,000 shall remain available until September 30, 2015; and ''Capitol Visitor Center'', $22,771,000. In addition, notwithstanding section 1101, $40,000,000, to remain available until expended, shall be available under ''Architect of the Capitol, House Office Buildings'' for a payment to the House Historic Buildings Revitalization Trust Fund.

SEC. 2908. (a) Notwithstanding section 1101, the level for ''Government Accountability Office, Salaries and Expenses'' shall be $558,430,000.

(b) Notwithstanding section 1101, the amount applicable under the first proviso under the heading ''Government Accountability Office, Salaries and Expenses'' in the Legislative Branch Appropriations Act, 2010 (Public Law 111–68) shall be $9,400,000, the amount applicable under the second proviso under such heading shall be $3,100,000, and the amount applicable under the third proviso under such heading shall be $7,000,000.

CHAPTER 10—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES

SEC. 3001. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense for projects and activities included in the most recently submitted future years defense program or that are necessary to support overseas contingency operations shall be as follows: ''Military Construction, Army'', $4,885,000,000; ''Military Construction, Navy and Marine Corps'', $3,517,000,000; ''Military Construction, Air Force'', $1,592,000,000; ''Military Construction, Defense-Wide'', $3,095,000,000; ''Military Construction,

Army National Guard'', $874,000,000; ''Military Construction, Air National Guard'', $177,000,000; ''Military Construction, Army Reserve'', $318,000,000; ''Military Construction, Navy Reserve'', $62,000,000; ''Military Construction, Air Force Reserve'', $8,000,000; ''Family Housing Construction, Army'', $92,000,000; ''Family Housing Construction, Navy and Marine Corps'', $186,000,000; ''Family Housing Construction, Air Force'', $78,000,000; and ''Family Housing Construction, Defense-Wide'', $0. Within 45 days of the enactment of this section, the Department of Defense shall submit a project-level expenditure plan for fiscal year 2011 for the accounts funded in this section.

SEC. 3002. Notwithstanding section 1111, of the total amount specified in section 3001 for ''Military Construction, Army'', ''Military Construction, Air Force'', and ''Military Construction, Defense-Wide'', $1,257,000,000 for Overseas Deployments and Other Activities is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 3003. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense for projects and activities authorized by law shall be as follows: ''North Atlantic Treaty Organization Security Investment Program'', $259,000,000; ''Homeowners Assistance Fund'', $17,000,000; ''Chemical Demilitarization Construction, Defense-Wide'', $125,000,000; ''Department of Defense Base Closure Account 1990'', $360,000,000; and ''Department of Defense Base Closure Account 2005'', $2,354,000,000.

SEC. 3004. Notwithstanding any other provision of this Act, the following provisions included in title I of division E of Public Law 111–117 shall not apply to funds appropriated by this Act: the first, second, and last provisos, and the set-aside of $350,000,000, under the heading ''Military Construction, Army''; the first and last provisos under the heading ''Military Construction, Navy and Marine Corps''; the first, second, and last provisos under the heading ''Military Construction, Air Force''; the second, third, fourth, and last provisos under the heading ''Military Construction, Defense-Wide''; the first, second, and last provisos, and the set-aside of $30,000,000, under the heading ''Military Construction, Army National Guard''; the first, second, and last provisos, and the set-aside of $30,000,000, under the heading ''Military Construction, Air National Guard''; the first, second, and last provisos, and the set-aside of $30,000,000, under the heading ''Military Construction, Army Reserve''; the first, second, and last provisos, the set-aside of $20,000,000, and the set-aside of $35,000,000, under the heading ''Military Construction, Navy Reserve''; the first, second, and last provisos, and the set-aside of $55,000,000, under the heading ''Military Construction, Air Force Reserve''; the proviso under the heading ''Family Housing Construction, Army''; the proviso under the heading ''Family Housing Construction, Navy and Marine Corps''; the proviso under the heading ''Family Housing Construction, Air Force''; the proviso under the heading ''Family Housing Construction, Defense-Wide''; and the proviso under the heading ''Chemical Demilitarization Construction, Defense-Wide''.

SEC. 3005. Section 129 of division E of Public Law 111–117 shall not apply in fiscal year 2011.

SEC. 3006. Notwithstanding any other provision of this Act, the following provisions included in title IV of division E of Public Law 111–117 shall not apply to funds appropriated by this Act: the proviso under ''Military Construction, Army''; and the proviso under ''Military Construction, Air Force''.

SEC. 3007. Notwithstanding any other provision of law, funds made available to the Department of Defense by this chapter may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

SEC. 3008. Notwithstanding any other provision of law, funds made available to ''North Atlantic Treaty Organization Security Investment Program'' by this chapter may be obligated and expended for purposes of section 2806 of title 10, United States Code, and sections 2501 and 2502 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

SEC. 3009. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, General Operating Expenses'' shall be $2,546,276,000, of which not less than $2,148,776,000 shall be for the Veterans Benefits Administration.

SEC. 3010. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Information Technology Systems'' shall be $3,162,501,000.

SEC. 3011. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Construction, Major Projects'' shall be $1,151,036,000. Within 30 days of the enactment of this section, the Department shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for fiscal year 2011 at a level of detail below the account level.

SEC. 3012. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects'' shall be $467,700,000.

SEC. 3013. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Grants for Construction of State Extended Care Facilities'' shall be $85,000,000.

SEC. 3014. Notwithstanding any other provision in this Act, sections 230, 231, and 232 of division E of Public Law 111–117 shall not apply in fiscal year 2011.

SEC. 3015. Notwithstanding section 1101, the level for ''Department of Defense—Civil, Cemeterial Expenses, Army, Salaries and Expenses'', shall be $50,340,000.

SEC. 3016. Notwithstanding section 1101, the level for ''Armed Forces Retirement Home, Trust Fund'', shall be $71,200,000, of which $2,000,000 shall be for renovation of physical plants.

SEC. 3017. (a) Of the funds appropriated in division E of Public Law 111–117, the following amounts which became available on October 1, 2010, are hereby rescinded from the following accounts of the Department of Veterans Affairs in the amounts specified: ''Medical services'', $1,015,000,000; ''Medical support and compliance'', $145,000,000; and ''Medical facilities'', $145,000,000.

(b) An additional amount is appropriated to the following accounts of the Department of Veterans Affairs in the amounts specified, to remain available until September 30, 2012: ''Medical services'', $1,015,000,000; ''Medical support and compliance'', $145,000,000; and ''Medical facilities'', $145,000,000.

SEC. 3018. Amounts provided to the Department of Veterans Affairs for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'' for fiscal year 2011 shall be available, through the date specified by section 1106 of this Act: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111–84, and (2) for operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417.

SEC. 3019. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at the Captain James A. Lovell Federal Health Care Center shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111–84, and (2) for operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417.

CHAPTER 11—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SEC. 3101. For purposes of this chapter, the term ''division F of Public Law 111–117'' means the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117).

SEC. 3102. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Administration of Foreign Affairs, Diplomatic and Consular Programs'', $8,971,529,000; ''Administration of Foreign Affairs, Civilian Stabilization Initiative'', $35,000,000; ''International Organizations, Contributions to International Organizations'', $1,575,430,000; ''International Organizations, Contributions for International Peacekeeping Activities'', $2,105,000,000; ''International Commissions, International Boundary and Water Commission, United States and Mexico, Construction'', $26,900,000; ''International Commissions, International Fisheries Commissions'', $51,000,000; ''Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements'', $6,875,000; ''Related Programs, United States Institute of Peace'', $44,050,000, which shall not be used for construction activities; ''United States Agency for International Development, Funds Appropriated to the President, Civilian Stabilization Initiative'', $15,000,000; ''United States Agency for International Development, Funds Appropriated to the President, Capital Investment Fund'', $173,000,000; ''Bilateral Economic Assistance, Funds Appropriated to the President, International Fund for Ireland'', $15,000,000; ''Bilateral Economic Assistance, Funds Appropriated to the President, Democracy Fund'', $115,000,000, of which $68,500,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $46,500,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development; ''Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia'', $709,000,000; ''Bilateral Economic Assistance, Department of the Treasury, Debt Restructuring'', $56,000,000; ''Multilateral Assistance, Funds Appropriated to the President, International Development Association'', $1,235,000,000; ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the Inter-American Development Bank'', $21,000,000; ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the African Development Fund'', $150,000,000; ''International Security Assistance, Department of State, Nonproliferation, Anti-terrorism, Demining and Related Programs'', $740,000,000; ''International Security Assistance, Department of State, Peacekeeping Operations'', $305,000,000; ''International Security Assistance, Funds Appropriated to the President, International Military Education and Training'', $107,000,000; ''International Security Assistance, Funds Appropriated to the President, Pakistan Counterinsurgency Capability Fund'', $700,000,000, which shall remain available until September 30, 2012, and shall be available to the Secretary of State under the terms and conditions provided for this Fund in Public Law 111–

32 and Public Law 111–212; and ''International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program'', $5,440,000,000, of which not less than $3,000,000,000 shall be available for grants only for Israel and $1,300,000,000 shall be available for grants only for Egypt and $300,000,000 shall be available for assistance for Jordan: Provided, That the dollar amount in the fourth proviso under the heading ''International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program'' in division F of Public Law 111–117 shall be deemed to be $789,000,000 for the purpose of applying funds appropriated under such heading by this Act.

SEC. 3103. Notwithstanding section 1101, the dollar amount in the seventh proviso under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'' in division F of Public Law 111–117 shall be deemed to be $200,000,000 for the purpose of applying funds appropriated under such heading by this Act: Provided, That the ninth through the fourteenth provisos under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'' in division F of Public Law 111–117 shall not apply to assistance for Afghanistan under this Act: Provided further, That the dollar amount in section 7042(f)(1) in division F of Public Law 111–117 shall be deemed to be $550,400,000.

SEC. 3104. Notwithstanding section 1101, the level for each of the following accounts shall be $0: ''Administration of Foreign Affairs, Buying Power Maintenance Account'' and ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the Asian Development Fund''.

SEC. 3105. (a) In addition to amounts otherwise made available in this Act, $12,000,000 is appropriated for ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'' for activities specified in section 7071(j) of division F of Public Law 111–117.

(b) For purposes of the amount made available by this Act for ''Export-Import Bank of the United States, Administrative Expenses'', project specific transaction costs, including direct and indirect costs incurred in claims settlements, and other costs for systems infrastructure directly supporting transactions, shall not be considered administrative expenses.

(c) Of the unobligated balances available from funds appropriated under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H, Public Law 111–8) and under such heading in prior Acts making appropriations for the Department of State, foreign operations, and related programs, $160,000,000 is rescinded.

SEC. 3106. (a) Notwithstanding any other provision of this Act, the dollar amounts under paragraphs (1) through (4) under the heading ''Administration of Foreign Affairs, Diplomatic and Consular Programs'' in division F of Public Law 111–117 shall not apply to funds appropriated by this Act: Provided, That the dollar amounts to be derived from fees collected under paragraph (5)(A) under such heading shall be ''$1,702,904'' and ''$505,000'', respectively.

(b) Notwithstanding any other provision of this Act, the following provisions in division F of Public Law 111–117 shall not apply to funds appropriated by this Act:

(1) Section 7034(l).

(2) Section 7042(a), (b)(1), (c), and (d)(1).

(3) In section 7045:

(A) The first sentence of subsection (c).

(B) The first sentence of subsection (e)(1).

(C) The first sentence of subsection (f).

(D) Subsection (h).

(4) Section 7070(b).

(5) The third proviso under the heading ''Administration of Foreign Affairs, Civilian Stabilization Initiative''.

(6) The fourth proviso under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia''.

SEC. 3107. (a) Section 1115(d) of Public Law 111–32 is amended by striking ''October 1, 2010'' and inserting ''October 1, 2011''.

(b) Section 824(g)(2)(A) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(2)(A)) is amended by striking ''October 1, 2010'' and inserting ''October 1, 2011''.

(c) Section 61(a)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733(a)(2)) is amended by striking ''October 1, 2010'' and inserting ''October 1, 2011''.

(d) Section 625(j)(1)(B) of the Foreign Assistance Act of 1961 (22 U.S.C. 2385(j)(1)(B)) is amended by striking ''October 1, 2010'' and inserting ''October 1, 2011''.

(e) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(f) The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect until September 30, 2011.

(g) Section 404(b)(2)(B)(vi) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by striking ''calendar year 2010,'' and inserting ''calendar years 2010 and 2011,''.

(h) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2010'' and inserting ''2010, and 2011''; and

(B) in subsection (e), by striking ''2010'' each place it appears and inserting ''2011''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2010'' and inserting ''2011''.

SEC. 3108. (a) The second proviso under the heading ''International Security Assistance, Department of State, Peacekeeping Operations'' in division F of Public Law 111–117 shall be applied by substituting the following: ''Provided further, That up to $55,918,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia, except that up to an additional $35,000,000 may be made available for such purpose subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations:''.

(b) Section 7034 of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by—

(1) substituting $75,000,000 for the dollar amount in subsection (j); and

(2) substituting $20,000,000 for the dollar amount in subsection (m)(5).

(c) Section 7043 of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting the following for subsection (b):

''(b) LIMITATION.—None of the funds appropriated or otherwise made available in title VI of this Act under the heading 'Export-Import Bank of the United States' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).''.

(d) Section 7045(b) of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting the following for paragraph (2):

''(2) Of the funds appropriated under the heading 'Debt Restructuring' in this Act, up to $36,000,000 may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.''.

(e)(1) Section 7046(a) of division F of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ''$453,995,000'' for the dollar amount.

(2) The dollar amount in the sixteenth proviso under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'' in division F of Public Law 111–117 shall be deemed to be ''$195,000,000''.

(3) The dollar amount in the seventh proviso of the first paragraph under the heading ''International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program'' in division F of Public Law 111–117 shall be deemed to be ''$44,500,000'' for the purpose of applying funds appropriated under such headings by this Act.

(f) The second proviso of section 7081(d) of division F of Public Law 111–117 is amended to read as follows: '': Provided further, That funds appropriated under title III of this Act for tropical forest programs shall be used for purposes including to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations''.

SEC. 3109. (a) Subsections (b) through (e) of this section shall apply to funds appropriated by this Act in lieu of section 7076 of division F of Public Law 111–117.

(b) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(1) The Government of Afghanistan is—

(A) demonstrating a commitment to reduce corruption and improve governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and to implement financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as to conduct oversight of public resources;

(B) taking significant steps to facilitate active public participation in governance and oversight; and

(C) taking credible steps to protect the internationally recognized human rights of Afghan women.

(2) There is a unified United States Government anti-corruption strategy for Afghanistan that is adequately funded, and is being implemented in conjunction with relevant Afghan authorities.

(3) Funds will be programmed to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments, such as—

(A) the High Office of Oversight;

(B) the Control and Audit Office;

(C) the Afghan Criminal Justice Task Force;

(D) the Afghan Judicial Security Unit;

(E) the Anti-Corruption Tribunal, and the Attorney General's Anti-Corruption Unit;

(F) the training and mentoring of judicial personnel;

(G) the training and mentoring of Afghan Government personnel in financial management, budgeting, and independent oversight of public funds; and

(H) Afghan civil society organizations and media institutions that play an important role in government oversight.

(4) Representatives of Afghan national, provincial or local governments, local communities and civil society organizations, as appropriate,

will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(5) Funds will be used to train and deploy additional United States Government direct-hire personnel to improve monitoring and control of assistance to ensure that funds are used for the intended purpose and do not support illicit and/or corrupt activities.

(6) A framework and methodology is being utilized to assess national, provincial, local and sector level fiduciary risks relating to public financial management of United States Government assistance.

(c) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: Provided, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: Provided further, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(2) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(d) ASSISTANCE FOR OPERATIONS.—

(1) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' in this Act that are available for assistance for Afghanistan—

(A) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7062 and 7063 of division F of Public Law 111–117, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led nongovernmental organizations;

(B) may be made available for a United States contribution to an internationally-managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: Provided, That funds may be made available to support reconciliation and reintegration activities only if—

(i) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and

(ii) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights.

(C) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(D) should be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(2) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military personnel shall address, where appropriate, gender-based violence.

(3) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2011 and shall apply as if included in this Act.

(4) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(5) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(6) The Secretary of State, after consultation with the USAID Administrator, shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, a detailed spending plan for assistance for Afghanistan which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: Provided, That such plan shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111–117 or under section 634A of the Foreign Assistance Act of 1961.

(7) Any significant modification to the scope, objectives, or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of division F of Public Law 111–117.

(e) OVERSIGHT.—

(1) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(2) Of the funds appropriated in this Act under the heading ''Economic Support Fund'' for assistance for Afghanistan, $3,000,000 shall be transferred to, and merged with, funds made available under the heading ''Office of Inspector General'' in title I of this Act, for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes: Provided, That $1,500,000 shall be for the Special Inspector General for Afghanistan Reconstruction.

(3) Of the funds appropriated in this Act under the heading ''Economic Support Fund'' for assistance for Afghanistan, $1,500,000 shall be transferred to, and merged with, funds appropriated under the heading ''Office of Inspector General'' in title II of this Act for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes.

(f) MODIFICATION TO PRIOR PROVISIONS.—

(1) Section 1004(c)(1)(C) of Public Law 111–212 is amended to read as follows:

''(C) taking credible steps to protect the internationally recognized human rights of Afghan women.''.

(2) Section 1004(d)(l) of Public Law 111–212 is amended to read as follows:

''(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and''.

(3) Section 1004(e)(1) of Public Law 111–212 is amended to read as follows:.

''(1) based on information available to the Secretary, the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 presidential election in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghan law as of December 31, 2009; and''.

SEC. 3110. In addition to amounts otherwise made available by this Act, $100,000,000, to remain available until expended, is appropriated for payment as a contribution to a global food security fund by the Secretary of the Treasury.

SEC. 3111. (a) CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK.—In addition to amounts otherwise made available by this Act, $106,586,000, to remain available until expended, is appropriated for payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock.

(b) LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

(c) AMENDMENT.—The Asian Development Bank Act (22 U.S.C. 285 et seq.), is amended by adding at the end the following:

''NINTH REPLENISHMENT

''SEC. 33. (a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $461,000,000 to the ninth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $461,000,000 for payment by the Secretary of the Treasury.

''FIFTH CAPITAL INCREASE

''SEC. 34. (a) Subscription Authorized.

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,104,420 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) Authorization of Appropriations—

''(1) In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $13,323,173,083, for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $532,929,240 is authorized to be appropriated for paid in shares of the Bank; and

''(B) $12,790,243,843 is authorized to be appropriated for callable shares of the Bank, for payment by the Secretary of the Treasury.''.

CHAPTER 12—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

SEC. 3201. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Aviation Administration, Operations'' shall

be $9,542,983,000, of which $4,559,000,000 shall be derived from the Airport and Airway Trust Fund, of which no less than $7,473,299,000 shall be for air traffic organization activities; no less than $1,253,020,000 shall be for aviation regulation and certification activities; not to exceed $15,237,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $196,063,000 shall be available for staff offices; and not to exceed $49,278,000 shall be available for information services.

SEC. 3202. The amounts included under the heading ''Department of Transportation, Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization)'' in division A of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ''$3,550,000,000'' for ''$3,000,000,000''.

SEC. 3203. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Highway Administration, Surface Transportation Priorities'' shall be $0.

SEC. 3204. Notwithstanding section 1101, no funds are provided for activities described in section 122 of title I of division A of Public Law 111–117.

SEC. 3205. Of the amount made available for ''Department of Transportation, Motor Carrier Safety Grants, (Liquidation of Contract Authorization), (Limitation on Obligations), (Highway Trust Fund)'' for the commercial driver's license information system modernization program, $3,000,000 shall be made available for audits of new entrant motor carriers to carry out section 4107(b) of Public Law 109–59, and 31104(a) of title 49, United States Code, and $5,000,000 shall be made available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code.

SEC. 3206. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Railroad Administration, Safety and Operations'' shall be $176,950,000.

SEC. 3207. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'' shall be $1,000,000,000.

SEC. 3208. Notwithstanding section 1101, the level for ''Department of Transportation, Maritime Administration, Operations and Training'' shall be $155,750,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, of which $59,057,000 shall be available for operations at the United States Merchant Marine Academy, and of which $6,000,000 shall remain available until expended for the Secretary's reimbursement of overcharged midshipmen fees for academic years 2003–2004 through 2008–2009 and such action shall be final and conclusive.

SEC. 3209. Notwithstanding section 1101, the level for each of the following accounts under the heading ''Department of Transportation, Pipeline and Hazardous Materials Safety Administration'' shall be as follows: ''Operational Expenses (Pipeline Safety Fund)'', $21,496,000; ''Hazardous Materials Safety'', $39,098,000, of which $1,699,000 shall remain available until September 30, 2013; and ''Pipeline Safety (Pipeline Safety Fund) (Oil Spill Liability Trust Fund)'', $106,919,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013, and of which $88,014,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2013.

SEC. 3210. Notwithstanding section 1101, section 186 of title I of division A of Public Law 111–117 shall not apply to fiscal year 2011.

SEC. 3211. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Personnel Compensation and Benefits, Housing'' shall be $390,885,000.

SEC. 3212. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Personnel Compensation and Benefits, Office of the Government National Mortgage Association'' shall be $14,000,000.

SEC. 3213. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance'' shall be $14,863,998,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $4,000,000,000 previously appropriated under such heading that will become available on October 1, 2010), and notwithstanding section 1109, an additional $4,000,000,000, to remain available until expended, shall be available on October 1, 2011: Provided, That of the amounts available for such heading, $16,993,998,000 shall be for activities specified in paragraph (1) and $145,000,000 shall be for activities specified in paragraph (2) under such heading of division A of Public Law 111–117: Provided further, That of the amounts made available for activities under paragraph (2) under such heading of division A of Public Law 111–117, $25,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan payment, (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law, or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1937f(t)): Provided further, That the Secretary shall issue guidance to implement the previous two provisos, including but not limited to requirements for defining eligible at-risk households, within 120 days of the enactment of this Act.

SEC. 3214. The seventh proviso in paragraph (1) under the heading ''Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance'' in division A of Public Law 111–117 shall be applied in fiscal year 2011 by inserting before the colon at the end the following: ''; (5) for one-time adjustments of renewal funding for public housing agencies in receivership with approved fungibility plans for calendar year 2009 as authorized in section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329); or (6) to adjust allocations for public housing agencies to prevent termination of assistance to families receiving assistance under the disaster voucher program, as authorized by chapter 9 of title I of division B of Public Law 109–148 under the heading 'Tenant-Based Rental Assistance' ''.

SEC. 3215. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Community Planning and Development, Community Development Fund'' shall be $4,255,000,000, of which $3,990,000,000 shall be for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended: Provided, That none of the funds made available by this section for such account may be used for grants for the Economic Development Initiative or Neighborhood Initiatives activities.

SEC. 3216. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Community Planning and Development, Homeless Assistance Grants'' shall be $2,055,000,000.

SEC. 3217. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Housing Programs, Project-Based Rental Assistance'' shall be $8,882,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $393,672,000 previously appropriated under such heading that became available on October 1, 2010), and, notwithstanding section 1109, an additional $400,000,000, to remain available until expended, shall be available on October 1, 2011: Provided, That of the amounts available for such heading, $8,950,000,000 shall be for activities specified in paragraph (1) under such heading of division A of Public Law 111–117 and $326,000,000 shall be available for activities specified in paragraph (2) under such heading in such public law.

SEC. 3218. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Housing Programs, Energy Innovation Fund'' shall be $0.

SEC. 3219. The heading ''Department of Housing and Urban Development, Housing Program, Other Assisted Housing Programs, Rental Housing Assistance'' shall be applied by inserting '', or extensions of up to one year for expiring contracts,'' after ''for amendments to contracts''.

SEC. 3220. Notwithstanding section 1101, the level under the heading ''Department of Housing and Urban Development, Housing Programs, Rent Supplement (Rescission)'' shall be $40,060,000.

SEC. 3221. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Federal Housing Administration, Mutual Mortgage Insurance Program Account'' for administrative contract expenses shall be $221,125,000.

SEC. 3222. The first proviso in the first paragraph under the heading ''Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account'' in division A of Public Law 111–117 shall be applied in fiscal year 2011 by substituting '$20,000,000,000' for '$15,000,000,000'.

SEC. 3223. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Management and Administration, Working Capital Fund'' shall be $228,500,000.

SEC. 3224. Notwithstanding section 1101, the level for ''Related Agencies, National Railroad Passenger Corporation, Office of Inspector General, Salaries and Expenses'' shall be $19,496,000.

SEC. 3225. Notwithstanding section 1101, the level under the heading ''Related Agencies, United States Interagency Council on Homelessness, Operating Expenses'' shall be $3,930,000.

SEC. 3226. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is repealed.

SEC. 3227. Unobligated balances of funds made available for obligation under 23 U.S.C. 320, section 147 of Public Law 95–599, section 9(c) of Public Law 97–134, section 149 of Public Law 100–17, and sections 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law 102–240 are permanently rescinded. In addition, the unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is permanently rescinded. In addition, of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation

Equity Act: A Legacy for Users (Public Law 109–59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, $8,190,335 are permanently rescinded.

DIVISION B—SURFACE TRANSPORTATION EXTENSION

SEC. 4001. SHORT TITLE; RECONCILIATION OF FUNDS.

(a) SHORT TITLE.—This division may be cited as the ''Surface Transportation Extension Act of 2010, Part II''.

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this division in fiscal year 2011 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2010 for the period beginning on October 1, 2010, and ending on December 31, 2010.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 4101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 411 of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78) is amended—

(1) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010'' each place it appears (except in subsection (c)(2)) and inserting ''fiscal year 2011'';

(2) in subsection (a) by striking ''December 31, 2010'' and inserting ''September 30, 2011'';

(3) in subsection (b)(2) by striking ''¼ of'';

(4) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''¼ of''; and

(ii) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010,'' and inserting ''fiscal year 2011'';

(B) in paragraph (4)—

(i) in subparagraph (A)(ii) by striking '', except that during such period obligations subject to such limitation shall not exceed ¼ of the limitation on obligations included in an Act making appropriations for fiscal year 2011''; and

(ii) in subparagraph (B)(ii)(II) by striking ''$159,750,000'' and inserting ''$639,000,000''; and

(C) by striking paragraph (5);

(5) in subsection (d)—

(A) by striking ''¼ of'' each place it appears; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(6) in subsection (e)(1)(B) by striking ''¼''.

(b) ADMINISTRATIVE EXPENSES.—Section 412(a)(2) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 83) is amended—

(1) by striking ''$105,606,250'' and inserting ''$422,425,000''; and

(2) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''fiscal year 2011''.

TITLE II—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, AND ADDITIONAL PROGRAMS

SEC. 4201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $235,000,000 for fiscal year 2011.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $108,244,000 for fiscal year 2011.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $25,000,000 for fiscal year 2011.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $124,500,000 for fiscal year 2011.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $34,500,000 for fiscal year 2011.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $34,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $139,000,000 for fiscal year 2011.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $4,116,000 for fiscal year 2011.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $29,000,000 for fiscal year 2011.''.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $7,000,000 for fiscal year 2011.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $7,000,000 for fiscal year 2011.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $25,328,000 for fiscal year 2011.''.

SEC. 4202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(7) of title 49, United States Code, is amended by striking ''$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$209,000,000 for fiscal year 2011.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(G) of title 49, United States Code, is amended by striking ''$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$244,144,000 for fiscal year 2011.''.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' after ''2009,''; and

(B) by striking ''and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $25,000,000 for fiscal year 2011'';

(2) in paragraph (2) by striking ''and $8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $32,000,000 for fiscal year 2011'';

(3) in paragraph (3) by striking ''and $1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $5,000,000 for fiscal year 2011'';

(4) in paragraph (4) by striking ''and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $25,000,000 for fiscal year 2011''; and

(5) in paragraph (5) by striking ''and $756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $3,000,000 for fiscal year 2011''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $15,000,000 for fiscal year 2011''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)''.

(f) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d)(6) of SAFETEA–LU (119 Stat. 1736) is amended by striking ''$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$8,000,000 for fiscal year 2011.''.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2010'' and all that follows before ''to carry out'' and inserting ''2010, and 2011''.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1744) is amended by striking ''2009, 2010, and $252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,'' and inserting ''2011''.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1748) is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA–LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

SEC. 4203. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''through 2010'' and all that follows before ''shall be available'' and inserting ''through 2011''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking ''For each of fiscal years 2006'' and all that follows before paragraph (1) and inserting the following: ''For each of fiscal years 2006 through 2011, the balance of each annual appropriation made in accordance with the provisions of section 3 remaining after the distributions for administrative expenses and other purposes under subsection (b) and for multistate conservation grants under section 14 shall be distributed as follows:''; and

(2) in subsection (b)(1)(A) by striking the first sentence and inserting the following: ''From the annual appropriation made in accordance with section 3, for each of fiscal years 2006 through 2011, the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in the implementation of this Act, in accordance with this section and section 9.''.

(c) SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.—Section 327(i)(1) of title

23, United States Code, is amended by striking ''6 years after'' and inserting ''7 years after''.

(d) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 510 of title 23, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION.—Notwithstanding any other provision of this section, the Secretary may use funds made available to carry out this section for implementation of research products related to the future strategic highway research program, including development, demonstration, evaluation, and technology transfer activities.''.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 4301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''.

SEC. 4302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'' and inserting ''2011'';

(2) in subparagraph (A) by striking ''2010, and the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011,''; and

(3) in subparagraph (E)—

(A) in the subparagraph heading by striking ''2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'' and inserting ''2011''; and

(B) in the matter preceding clause (i) by striking ''In fiscal years 2008 through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''In each of fiscal years 2008 through 2011''.

SEC. 4303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking ''2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010'' and inserting ''2011'';

(B) in the matter preceding subparagraph (A) by striking ''2010, and during the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''; and

(C) in subparagraph (A)(i) by striking ''2010, and $50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011'';

(2) in paragraph (6)—

(A) in subparagraph (B) by striking ''2010, and $3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''; and

(B) in subparagraph (C) by striking ''2010, and $1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''2011''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking ''(A) FERRY BOAT SYSTEMS.—'' and all that follows through ''(i) FISCAL YEAR 2006 THROUGH 2010.—$10,000,000 shall be available in each of fiscal years 2006 through 2010'' and inserting the following:

''(A) FERRY BOAT SYSTEMS.—$10,000,000 shall be available in each of fiscal years 2006 through 2011'';

(ii) by striking clause (ii);

(iii) by redesignating subclauses (I) through (VIII) as clauses (i) through (viii), respectively, and moving the text of such clauses 2 ems to the left; and

(iv) by inserting a period at the end of clause (iv) (as so redesignated);

(B) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $13,500,000 for fiscal year 2011.'';

(C) in subparagraph (C) by striking '', and during the period beginning October 1, 2010, and ending December 31, 2010,'';

(D) in subparagraph (D) by striking '', and not less than $8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(E) in subparagraph (E) by striking '', and $750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''.

SEC. 4304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $15,000,000 for fiscal year 2011.''.

SEC. 4305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2010'' and inserting ''2011''; and

(2) by striking subsection (g).

SEC. 4306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1)(F) and inserting the following:

''(F) $8,360,565,000 for fiscal year 2011.''; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''$113,500,000 for fiscal year 2011'';

(B) in subparagraph (B) by striking ''$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''$4,160,365,000 for fiscal year 2011'';

(C) in subparagraph (C) by striking ''$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''$51,500,000 for fiscal year 2011'';

(D) in subparagraph (D) by striking ''$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$1,666,500,000 for fiscal year 2011'';

(E) in subparagraph (E) by striking ''$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$984,000,000 for fiscal year 2011'';

(F) in subparagraph (F) by striking ''$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$133,500,000 for fiscal year 2011'';

(G) in subparagraph (G) by striking ''$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$465,000,000 for fiscal year 2011'';

(H) in subparagraph (H) by striking ''$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$164,500,000 for fiscal year 2011'';

(I) in subparagraph (I) by striking ''$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$92,500,000 for fiscal year 2011'';

(J) in subparagraph (J) by striking ''$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$26,900,000 for fiscal year 2011'';

(K) in subparagraph (K) by striking ''$875,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$3,500,000 for fiscal year 2011'';

(L) in subparagraph (L) by striking ''$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$25,000,000 for fiscal year 2011'';

(M) in subparagraph (M) by striking ''$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$465,000,000 for fiscal year 2011''; and

(N) in subparagraph (N) by striking ''$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$8,800,000 for fiscal year 2011''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(6) of title 49, United States Code, is amended to read as follows:

''(6) $2,000,000,000 for fiscal year 2011.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$69,750,000 for fiscal year 2011''; and

(B) in subparagraph (A) by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009, 2010, and 2011'';

(2) in paragraph (2)(A)—

(A) in clauses (i), (ii), and (iii) by striking ''2009'' and inserting ''2011''; and

(B) in clauses (v), (vi), (vii), and (viii) by striking ''and 2009'' and inserting ''through 2011''; and

(3) by striking paragraph (3) and inserting the following:

''(3) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2010, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under paragraph (2) for the project or activity for fiscal year 2011, or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e)(6) of title 49, United States Code, is amended to read as follows:

''(6) $98,911,000 for fiscal year 2011.''.

SEC. 4307. AMENDMENTS TO SAFETEA–LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA–LU (119 Stat. 1572) is amended by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''2011''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA–LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking ''2010 and the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''2011''; and

(2) in subsection (d) by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''2011''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(d) OBLIGATION CEILING.—Section 3040(7) of SAFETEA–LU (119 Stat. 1639) is amended to read as follows:

''(7) $10,507,752,000 for fiscal year 2011, of which not more than $8,360,565,000 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA–LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA–LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking ''or period'';

(2) by striking subsection (c) and inserting the following:

''(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title for fiscal years 2010 and 2011, in

amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).''; and

(3) in subsection (d)—

(A) by striking ''2009'' and inserting ''2010''; and

(B) by striking ''2010'' and inserting ''2011''.

SEC. 4308. LEVEL OF OBLIGATION LIMITATIONS.

(a) HIGHWAY CATEGORY.—Section 8003(a) of SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking ''for the period beginning on October 1, 2009, and ending on September 30, 2010,'' and inserting ''for fiscal year 2010,''; and

(2) by striking paragraph (7) and inserting the following:

''(7) for fiscal year 2011, $42,469,970,178.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking ''for the period beginning on October 1, 2009, and ending on December 31, 2010,'' and inserting ''for fiscal year 2010,''; and

(2) by striking paragraph (7) and inserting the following:

''(7) for fiscal year 2011, $10,338,065,000.''.

TITLE IV—EXTENSION OF EXPENDITURE AUTHORITY

SEC. 4401. EXTENSION OF EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''December 31, 2010 (January 1, 2011, in the case of expenditures for administrative expenses)'' in subsections (b)(6)(B) and (c)(1) and inserting ''October 1, 2011'',

(2) by striking ''the Surface Transportation Extension Act of 2010'' in subsections (c)(1) and (e)(3) and inserting ''the Surface Transportation Extension Act of 2010, Part II'', and

(3) by striking ''January 1, 2011'' in subsection (e)(3) and inserting ''October 1, 2011''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Surface Transportation Extension Act of 2010'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2010, Part II'', and

(2) by striking ''January 1, 2011'' in subsection (d)(2) and inserting ''October 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2010.

DIVISION C—AIRPORT AND AIRWAY EXTENSION

SEC. 5001. SHORT TITLE.

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

SEC. 5002. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

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

SEC. 5003. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

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

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

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

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

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

SEC. 5004. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(8) of title 49, United States Code, is amended to read as follows:

''(8) $3,700,000,000 for fiscal year 2011.''.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''December 31, 2010,'' and inserting ''September 30, 2011,''.

SEC. 5005. EXTENSION OF EXPIRING AUTHORITIES.

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

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

(1) by striking ''December 31, 2010,'' and inserting ''September 30, 2011,''; and

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

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

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

(e) Section 47115(j) of such title is amended by striking ''fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before January 1, 2011,'' and inserting ''fiscal years 2004 through 2011,''.

(f) Section 47141(f) of such title is amended by striking ''December 31, 2010.'' and inserting ''September 30, 2011.''.

(g) Section 49108 of such title is amended by striking ''December 31, 2010,'' and inserting ''September 30, 2011,''.

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

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

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

DIVISION D—FOOD SAFETY

SEC. 6001. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

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

DIVISION D—FOOD SAFETY

Sec. 6001. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

Sec. 6101. Inspections of records.
Sec. 6102. Registration of food facilities.
Sec. 6103. Hazard analysis and risk-based preventive controls.
Sec. 6104. Performance standards.
Sec. 6105. Standards for produce safety.
Sec. 6106. Protection against intentional adulteration.
Sec. 6107. Authority to collect fees.
Sec. 6108. National agriculture and food defense strategy.
Sec. 6109. Food and Agriculture Coordinating Councils.
Sec. 6110. Building domestic capacity.
Sec. 6111. Sanitary transportation of food.
Sec. 6112. Food allergy and anaphylaxis management.
Sec. 6113. New dietary ingredients.
Sec. 6114. Requirement for guidance relating to post-harvest processing of raw oysters.
Sec. 6115. Port shopping.
Sec. 6116. Alcohol-related facilities.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

Sec. 6201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
Sec. 6202. Laboratory accreditation for analyses of foods.
Sec. 6203. Integrated consortium of laboratory networks.
Sec. 6204. Enhancing tracking and tracing of food and recordkeeping.
Sec. 6205. Surveillance.
Sec. 6206. Mandatory recall authority.
Sec. 6207. Administrative detention of food.
Sec. 6208. Decontamination and disposal standards and plans.
Sec. 6209. Improving the training of State, local, territorial, and tribal food safety officials.
Sec. 6210. Enhancing food safety.
Sec. 6211. Improving the reportable food registry.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

Sec. 6301. Foreign supplier verification program.
Sec. 6302. Voluntary qualified importer program.
Sec. 6303. Authority to require import certifications for food.
Sec. 6304. Prior notice of imported food shipments.
Sec. 6305. Building capacity of foreign governments with respect to food safety.
Sec. 6306. Inspection of foreign food facilities.
Sec. 6307. Accreditation of third-party auditors.
Sec. 6308. Foreign offices of the Food and Drug Administration.
Sec. 6309. Smuggled food.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 6401. Funding for food safety.
Sec. 6402. Employee protections.
Sec. 6403. Jurisdiction; authorities.
Sec. 6404. Compliance with international agreements.
Sec. 6405. Determination of budgetary effects.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 6101. INSPECTIONS OF RECORDS.

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the subsection heading and all that follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking ''section 414 when'' and all that follows through ''subject to'' and inserting ''section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to''.

SEC. 6102. REGISTRATION OF FOOD FACILITIES.

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, received, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of a facility—

''(A) that created, caused, or was otherwise responsible for such reasonable probability; or

''(B)(i) that knew of, or had reason to know of, such reasonable probability; and

''(ii) packed, received, or held such food.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 days after the submission of the corrective action plan or such other time period as determined by the Secretary.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall promptly vacate the order and reinstate the registration of the facility subject to the order or modify the order, as appropriate.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, no person shall import or export food into the United States from such facility, offer to import or export food into the United States from such facility, or otherwise introduce food from such facility into interstate or intrastate commerce in the United States.

''(5) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations to implement this subsection. The Secretary may promulgate such regulations on an interim final basis.

''(B) REGISTRATION REQUIREMENT.—The Secretary may require that registration under this section be submitted in an electronic format. Such requirement may not take effect before the date that is 5 years after the date of enactment of the FDA Food Safety Modernization Act.

''(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

''(A) the date on which the Secretary issues regulations under paragraph (5); or

''(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

''(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under section 415(b)(5) of the Federal Food, Drug, and Cosmetic Act (as added by this section), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such regulations to assist small entities in complying with registration requirements and other activities required under such section.

(3) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CLARIFICATION OF INTENT.—

(1) RETAIL FOOD ESTABLISHMENT.—The Secretary shall amend the definition of the term ''retail food establishment'' in section 1.227(b)(11) of title 21, Code of Federal Regulations to clarify that, in determining the primary function of an establishment or a retail food establishment under such section, the sale of food products directly to consumers by such establishment and the sale of food directly to consumers by such retail food establishment include—

(A) the sale of such food products or food directly to consumers by such establishment at a roadside stand or farmers' market where such stand or market is located other than where the food was manufactured or processed;

(B) the sale and distribution of such food through a community supported agriculture program; and

(C) the sale and distribution of such food at any other such direct sales platform as determined by the Secretary.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term ''community supported agriculture program'' has the same meaning given the term ''community supported agriculture (CSA) program'' in section 249.2 of title 7, Code of Federal Regulations (or any successor regulation); and

(B) the term ''consumer'' does not include a business.

(d) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

SEC. 6103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.

''(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, or may be unintentionally introduced; and

''(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and

''(3) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b)(1) will be significantly minimized or prevented;

''(2) any hazards identified in the hazard analysis conducted under subsection (b)(2) will

be significantly minimized or prevented and addressed, consistent with section 420, as applicable; and

''(3) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures to ensure that, if the preventive controls implemented under subsection (c) are not properly implemented or are found to be ineffective—

''(1) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure;

''(2) all affected food is evaluated for safety; and

''(3) all affected food is prevented from entering into commerce if the owner, operator, or agent in charge of such facility cannot ensure that the affected food is not adulterated under section 402 or misbranded under section 403(w).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

''(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

''(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions, and processes in the facility, and new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding, including, as appropriate, results from the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessment.

''(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

''(1) IN GENERAL.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(A) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(B) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(C) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(2) APPLICABILITY.—The exemption under paragraph (1)(C) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(k) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to activities of a facility that are subject to section 419.

''(l) MODIFIED REQUIREMENTS FOR QUALIFIED FACILITIES.—

''(1) QUALIFIED FACILITIES.—

''(A) IN GENERAL.—A facility is a qualified facility for purposes of this subsection if the facility meets the conditions under subparagraph (B) or (C).

''(B) VERY SMALL BUSINESS.—A facility is a qualified facility under this subparagraph—

''(i) if the facility, including any subsidiary or affiliate of the facility, is, collectively, a very small business (as defined in the regulations promulgated under subsection (n)); and

''(ii) in the case where the facility is a subsidiary or affiliate of an entity, if such subsidiaries or affiliates, are, collectively, a very small business (as so defined).

''(C) LIMITED ANNUAL MONETARY VALUE OF SALES.—

''(i) IN GENERAL.—A facility is a qualified facility under this subparagraph if clause (ii) applies—

''(I) to the facility, including any subsidiary or affiliate of the facility, collectively; and

''(II) to the subsidiaries or affiliates, collectively, of any entity of which the facility is a subsidiary or affiliate.

''(ii) AVERAGE ANNUAL MONETARY VALUE.—This clause applies if—

''(I) during the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as described in clause (i)) that is sold directly to qualified end-users during such period exceeded the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as so described) sold by such facility (or collectively by any such subsidiary or affiliate) to all other purchasers during such period; and

''(II) the average annual monetary value of all food sold by such facility (or the collective average annual monetary value of such food sold by any subsidiary or affiliate, as described in clause (i)) during such period was less than $500,000, adjusted for inflation.

''(2) EXEMPTION.—A qualified facility—

''(A) shall not be subject to the requirements under subsections (a) through (i) and subsection (n) in an applicable calendar year; and

''(B) shall submit to the Secretary—

''(i)(I) documentation that demonstrates that the owner, operator, or agent in charge of the facility has identified potential hazards associated with the food being produced, is implementing preventive controls to address the hazards, and is monitoring the preventive controls to ensure that such controls are effective; or

''(II) documentation (which may include licenses, inspection reports, certificates, permits, credentials, certification by an appropriate agency (such as a State department of agriculture), or other evidence of oversight), as specified by the Secretary, that the facility is in compliance with State, local, county, or other applicable non-Federal food safety law; and

''(ii) documentation, as specified by the Secretary in a guidance document issued not later than 1 year after the date of enactment of this section, that the facility is a qualified facility under paragraph (1)(B) or (1)(C).

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a qualified facility subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a qualified facility that are material to the safety of the food manufactured, processed, packed, or held at such facility, the Secretary may withdraw the exemption provided to such facility under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means any facility that controls, is controlled by, or is under common control with another facility.

''(B) QUALIFIED END-USER.—The term 'qualified end-user', with respect to a food, means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that—

''(I) is located—

''(aa) in the same State as the qualified facility that sold the food to such restaurant or establishment; or

''(bb) not more than 275 miles from such facility; and

''(II) is purchasing the food for sale directly to consumers at such restaurant or retail food establishment.

''(C) CONSUMER.—For purposes of subparagraph (B), the term 'consumer' does not include a business.

''(D) SUBSIDIARY.—The term 'subsidiary' means any company which is owned or controlled directly or indirectly by another company.

''(5) STUDY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the food processing sector regulated by the Secretary to determine—

''(i) the distribution of food production by type and size of operation, including monetary value of food sold;

''(ii) the proportion of food produced by each type and size of operation;

''(iii) the number and types of food facilities co-located on farms, including the number and proportion by commodity and by manufacturing or processing activity;

''(iv) the incidence of foodborne illness originating from each size and type of operation and the type of food facilities for which no reported or known hazard exists; and

''(v) the effect on foodborne illness risk associated with commingling, processing, transporting, and storing food and raw agricultural commodities, including differences in risk based on the scale and duration of such activities.

''(B) SIZE.—The results of the study conducted under subparagraph (A) shall include the information necessary to enable the Secretary to define the terms 'small business' and 'very small business', for purposes of promulgating the regulation under subsection (n). In defining such terms, the Secretary shall include consideration of harvestable acres, income, the number of employees, and the volume of food harvested.

''(C) SUBMISSION OF REPORT.—Not later than 18 months after the date of enactment the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subparagraph (A).

''(6) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production of food. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(7) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A qualified facility that is exempt from the requirements under subsections (a) through (i) and subsection (n) and does not prepare documentation under paragraph (2)(B)(i)(I) shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(m) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

''(n) REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations—

''(A) to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under this section; and

''(B) to define, for purposes of this section, the terms 'small business' and 'very small business', taking into consideration the study described in subsection (l)(5).

''(2) COORDINATION.—In promulgating the regulations under paragraph (1)(A), with regard to hazards that may be intentionally introduced, including by acts of terrorism, the Secretary shall coordinate with the Secretary of Homeland Security, as appropriate.

''(3) CONTENT.—The regulations promulgated under paragraph (1)(A) shall—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm;

''(B) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the facility, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(C) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(D) not require a facility to hire a consultant or other third party to identify, implement, certify, or audit preventative controls, except in the case of negotiated enforcement resolutions that may require such a consultant or third party.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to prescribe specific technologies, practices, or critical controls for an individual facility.

''(5) REVIEW.—In promulgating the regulations under paragraph (1)(A), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of the FDA Food Safety Modernization Act, including the Grade 'A' Pasteurized Milk Ordinance to ensure that such regulations are consistent, to the extent practicable, with applicable domestic and internationally recognized standards in existence on such date.

''(o) DEFINITIONS.—For purposes of this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (b) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

''(D) A food allergen control program.

''(E) A recall plan.

''(F) Current Good Manufacturing Practices (cGMPs) under part 110 of title 21, Code of Federal Regulations (or any successor regulations).

''(G) Supplier verification activities that relate to the safety of food.''.

(b) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to the regulations promulgated under subsection (b)(1) with respect to the hazard analysis and preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—

(A) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall publish a notice of proposed rulemaking in the Federal Register to promulgate regulations with respect to—

(i) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act; and

(ii) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415.

(B) CLARIFICATION.—The rulemaking described under subparagraph (A) shall enhance the implementation of such section 415 and clarify the activities that are included as part of the definition of the term ''facility'' under such section 415. Nothing in this Act authorizes the Secretary to modify the definition of the term ''facility'' under such section.

(C) SCIENCE-BASED RISK ANALYSIS.—In promulgating regulations under subparagraph (A), the Secretary shall conduct a science-based risk analysis of—

(i) specific types of on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership, as such packing and holding relates to specific foods; and

(ii) specific on-farm manufacturing and processing activities as such activities relate to specific foods that are not consumed on that farm or on another farm under common ownership.

(D) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—

(i) IN GENERAL.—In promulgating the regulations under subparagraph (A), the Secretary shall consider the results of the science-based risk analysis conducted under subparagraph (C), and shall exempt certain facilities from the requirements in section 418 of the Federal Food, Drug, and Cosmetic Act (as added by this section), including hazard analysis and preventive controls, and the mandatory inspection frequency in section 421 of such Act (as added by section 6201), or modify the requirements in such sections 418 or 421, as the Secretary determines appropriate, if such facilities are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities that the Secretary determines to be low risk involving specific foods the Secretary determines to be low risk.

(ii) LIMITATION.—The exemptions or modifications under clause (i) shall not include an exemption from the requirement to register under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, if applicable, and shall apply only to small businesses and very small businesses, as defined in the regulation promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added under subsection (a)).

(2) FINAL REGULATIONS.—Not later than 9 months after the close of the comment period for the proposed rulemaking under paragraph (1), the Secretary shall adopt final rules with respect to—

(A) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act;

(B) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415; and

(C) the requirements under sections 418 and 421 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, from which the Secretary may issue exemptions or modifications of the requirements for certain types of facilities.

(d) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under subsection (n) of section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 418 and this section to assist small entities in complying with the hazard analysis and other activities required under such section 418 and this section.

(e) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.''.

(f) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce Hazard Analysis Critical Control programs and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(g) DIETARY SUPPLEMENTS.—Nothing in the amendments made by this section shall apply to any facility with regard to the manufacturing, processing, packing, or holding of a dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa–1).

(h) UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.—The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

(i) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined in the regulations promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added by this section)) beginning on the date that is 6 months after the effective date of such regulations; and

(B) the amendments made by this section shall apply to a very small business (as defined in such regulations) beginning on the date that is 18 months after the effective date of such regulations.

SEC. 6104. PERFORMANCE STANDARDS.

(a) IN GENERAL.—The Secretary shall, in coordination with the Secretary of Agriculture, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, current Good Manufacturing Practices issued by the Secretary relating to food, and relevant recommendations of relevant advisory committees, including the Food Advisory Committee, to determine the most significant foodborne contaminants.

(b) GUIDANCE DOCUMENTS AND REGULATIONS.—Based on the review and evaluation conducted under subsection (a), and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread by food of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, including guidance documents regarding action levels, or regulations. Such guidance, including guidance regarding action levels, or regulations—

(1) shall apply to products or product classes;

(2) shall, where appropriate, differentiate between food for human consumption and food intended for consumption by animals other than humans; and

(3) shall not be written to be facility-specific.

(c) NO DUPLICATION OF EFFORTS.—The Secretary shall coordinate with the Secretary of Agriculture to avoid issuing duplicative guidance on the same contaminants.

(d) REVIEW.—The Secretary shall periodically review and revise, as appropriate, the guidance documents, including guidance documents regarding action levels, or regulations promulgated under this section.

SEC. 6105. STANDARDS FOR PRODUCE SAFETY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6103, is amended by adding at the end the following:

"SEC. 419. STANDARDS FOR PRODUCE SAFETY.

''(a) PROPOSED RULEMAKING.—

''(1) IN GENERAL.—

''(A) RULEMAKING.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990), and in consultation with the Secretary of Homeland Security, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

''(B) DETERMINATION BY SECRETARY.—With respect to small businesses and very small businesses (as such terms are defined in the regulation promulgated under subparagraph (A)) that produce and harvest those types of fruits and vegetables that are raw agricultural commodities that the Secretary has determined are low risk and do not present a risk of serious adverse health consequences or death, the Secretary may determine not to include production and harvesting of such fruits and vegetables in such rulemaking, or may modify the applicable requirements of regulations promulgated pursuant to this section.

''(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

''(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

''(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

''(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, science-based minimum standards related to soil amendments, hygiene, packaging, temperature controls, animals in the growing area, and water;

''(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

''(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies;

''(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990, while providing the same level of public health protection as the requirements under guidance documents, including guidance documents regarding action levels, and regulations under the FDA Food Safety Modernization Act; and

''(F) define, for purposes of this section, the terms 'small business' and 'very small business'.

''(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations under this section for specific fruits and vegetables that are raw agricultural commodities based on known risks which may include a history and severity of foodborne illness outbreaks.

''(b) FINAL REGULATION.—

''(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum science-based standards for those types of fruits and vegetables, including specific mixes or categories of fruits or vegetables, that are raw agricultural commodities, based on known safety risks, which may include a history of foodborne illness outbreaks.

''(2) FINAL REGULATION.—The final regulation shall—

''(A) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States or the appropriate elected State official as recognized by State statute; and

''(B) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

''(3) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

''(A) the regulations promulgated under this section shall apply to a small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 1 year after the effective date of the final regulation under paragraph (1); and

''(B) the regulations promulgated under this section shall apply to a very small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 2 years after the effective date of the final regulation under paragraph (1).

''(c) CRITERIA.—

''(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

''(A) set forth those procedures, processes, and practices that the Secretary determines to minimize the risk of serious adverse health consequences or death, including procedures, processes, and practices that the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402;

''(B) provide sufficient flexibility to be practicable for all sizes and types of businesses, including small businesses such as a small food processing facility co-located on a farm;

''(C) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the business, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(D) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(E) not require a business to hire a consultant or other third party to identify, implement, or certify compliance with these procedures, processes, and practices, except in the case of negotiated enforcement resolutions that may require such a consultant or third party; and

''(F) permit States and foreign countries from which food is imported into the United States to request from the Secretary variances from the requirements of the regulations, subject to paragraph (2), where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 and to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(2) VARIANCES.—

''(A) REQUESTS FOR VARIANCES.—A State or foreign country from which food is imported into the United States may in writing request a variance from the Secretary. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the food for which the variance is requested will be adulterated under section 402, and that the variance provides the same level of public health protection as the requirements of the regulations adopted under subsection (b). The Secretary shall review such requests in a reasonable timeframe.

''(B) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

''(C) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulation adopted under subsection (b). The Secretary shall notify the person requesting such variance of the reasons for the denial.

''(D) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting or importing of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce under this section.

''(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives, and for importers of fruits and vegetables that are raw agricultural commodities.

''(3) PAPERWORK REDUCTION.—The Secretary shall ensure that any updated guidance under this section will—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm; and

''(B) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods.

''(f) EXEMPTION FOR DIRECT FARM MARKETING.—

''(1) IN GENERAL.—A farm shall be exempt from the requirements under this section in a calendar year if—

''(A) during the previous 3-year period, the average annual monetary value of the food sold by such farm directly to qualified end-users during such period exceeded the average annual monetary value of the food sold by such farm to all other buyers during such period; and

''(B) the average annual monetary value of all food sold during such period was less than $500,000, adjusted for inflation.

''(2) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A farm that is exempt from the requirements under this section shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the farm where the produce was grown; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provision of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the farm where the produce was grown, on a label, poster, sign, placard, or document delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a farm subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a farm that are material to the safety of the food produced or harvested at such farm, the Secretary may withdraw the exemption provided to such farm under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—

''(A) QUALIFIED END-USER.—In this subsection, the term 'qualified end-user', with respect to a food means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that is located—

''(I) in the same State as the farm that produced the food; or

''(II) not more than 275 miles from such farm.

''(B) CONSUMER.—For purposes of subparagraph (A), the term 'consumer' does not include a business.

''(5) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production, harvesting, holding, transportation, and sale of fresh fruits and vegetables. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(6) LIMITATION OF EFFECT.—Nothing in this subsection shall prevent the Secretary from exercising any authority granted in the other sections of this Act.

''(g) CLARIFICATION.—This section shall not apply to produce that is produced by an individual for personal consumption.

''(h) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to activities of a facility that are subject to section 418.''.

(b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of regulations under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary of Health and Human Services shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 419 and to assist small entities in complying with standards for safe production and harvesting and other activities required under such section.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 6103, is amended by adding at the end the following:

''(vv) The failure to comply with the requirements under section 419.''.

(d) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

SEC. 6106. PROTECTION AGAINST INTENTIONAL ADULTERATION.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6105, is amended by adding at the end the following:

''SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.

''(a) DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct a vulnerability assessment of the food system, including by consideration of the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessments;

''(B) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration of food at vulnerable points; and

''(C) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(2) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which determinations made under paragraph (1) are made publicly available.

''(b) REGULATIONS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act. Such regulations shall—

''(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

''(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

''(c) APPLICABILITY.—Regulations promulgated under subsection (b) shall apply only to food for which there is a high risk of intentional contamination, as determined by the Secretary, in consultation with the Secretary of Homeland Security, under subsection (a), that could cause serious adverse health consequences or death to humans or animals and shall include those foods—

''(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points); and

''(2) in bulk or batch form, prior to being packaged for the final consumer.

''(d) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

''(e) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (b)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (b)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (b)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under section 420(b) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 6105, is amended by adding at the end the following:

''(ww) The failure to comply with section 420.''.

SEC. 6107. AUTHORITY TO COLLECT FEES.

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

''PART 6—FEES RELATED TO FOOD

''SEC. 743. AUTHORITY TO COLLECT AND USE FEES.

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

''(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

''(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

''(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

''(2) DEFINITIONS.—For purposes of this section—

''(A) the term 'reinspection' means—

''(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction;

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section; and

''(C) the term 'responsible party' has the meaning given such term in section 417(a)(1).

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—

''(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(c) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

''(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(iii) PUBLISHED GUIDELINES.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

''(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

''(2) AUTHORITY.—If—

''(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

''(B) at a later date in such fiscal year, such paragraph (1) ceases to apply,

the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

''(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

''(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

''(i) under subparagraph (B) of subsection (a)(1) exceeds $20,000,000; and

''(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds $25,000,000 combined.

''(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the

Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

(3) LIMITATIONS ON USE AND AMOUNT OF FEES.—Paragraph (4) of section 801(e) (21 U.S.C. 381(e)) is amended by adding at the end the following:

''(D) With regard to fees pursuant to subparagraph (B) in connection with written export certifications for food:

''(i) Such fees shall be collected and available solely for the costs of the Food and Drug Administration associated with issuing such certifications.

''(ii) Such fees may not be retained in an amount that exceeds such costs.''.

SEC. 6108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and transmit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(3) EVALUATION.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall—

(A) develop metrics to measure progress for the evaluation process described in paragraph (1)(B); and

(B) report on the progress measured in subparagraph (A) as part of the National Agriculture and Food Defense strategy described in subsection (a)(1).

(c) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

SEC. 6109. FOOD AND AGRICULTURE COORDINATING COUNCILS.

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

SEC. 6110. BUILDING DOMESTIC CAPACITY.

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 6109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 6108 and 6205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d)).

(I) Specific efforts taken pursuant to the agreements authorized under section 421(c) of the Federal Food, Drug, and Cosmetic Act (as added by section 6201), together with, as necessary, a description of any additional authorities necessary to improve seafood safety.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities and progress toward laboratory accreditation under section 422 of the Federal Food, Drug, and Cosmetic Act (as added by section 6202).

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 6201(r) (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary, the Secretary of Agriculture, and the Secretary of Homeland Security shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

(h) EFFECTIVENESS OF PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—To determine whether existing Federal programs administered by the Department of Health and Human Services are effective in achieving the stated goals of such programs, the Secretary shall, beginning not later than 1 year after the date of enactment of this Act—

(A) conduct an annual evaluation of each program of such Department to determine the effectiveness of each such program in achieving legislated intent, purposes, and objectives; and

(B) submit to Congress a report concerning such evaluation.

(2) CONTENT.—The report described under paragraph (1)(B) shall—

(A) include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions;

(B) include recommendations for consolidation and elimination to reduce duplication and inefficiencies in such programs at such Department as identified during the evaluation conduct under this subsection; and

(C) be made publicly available in a publication entitled ''Guide to the U.S. Department of Health and Human Services Programs''.

(i) UNIQUE IDENTIFICATION NUMBERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study regarding the need for, and challenges associated with, development and implementation of a program that requires a unique identification number for each food facility registered with the Secretary and, as appropriate, each broker that imports food into the United States. Such study shall include an evaluation of the costs associated with development and implementation of such a system, and make recommendations about what new authorities, if any, would be necessary to develop and implement such a system.

(2) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (1) and that includes any recommendations determined appropriate by the Secretary.

SEC. 6111. SANITARY TRANSPORTATION OF FOOD.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(b) FOOD TRANSPORTATION STUDY.—The Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

SEC. 6112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as nonacademic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

SEC. 6113. NEW DIETARY INGREDIENTS.

(a) IN GENERAL.—Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) NOTIFICATION.—

''(1) IN GENERAL.—If the Secretary determines that the information in a new dietary ingredient notification submitted under this section for an article purported to be a new dietary ingredient is inadequate to establish that a dietary supplement containing such article will reasonably be expected to be safe because the article may be, or may contain, an anabolic steroid or an analogue of an anabolic steroid, the Secretary shall notify the Drug Enforcement Administration of such determination. Such notification by the Secretary shall include, at a minimum, the name of the dietary supplement or article, the name of the person or persons who marketed the product or made the submission of information regarding the article to the Secretary under this section, and any contact information for such person or persons that the Secretary has.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'anabolic steroid' has the meaning given such term in section 102(41) of the Controlled Substances Act; and

''(B) the term 'analogue of an anabolic steroid' means a substance whose chemical structure is substantially similar to the chemical structure of an anabolic steroid.''.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidance that clarifies when a dietary supplement ingredient is a new dietary ingredient, when the manufacturer or distributor of a dietary ingredient or dietary supplement

should provide the Secretary with information as described in section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act, the evidence needed to document the safety of new dietary ingredients, and appropriate methods for establishing the identify of a new dietary ingredient.

SEC. 6114. REQUIREMENT FOR GUIDANCE RELATING TO POST-HARVEST PROCESSING OF RAW OYSTERS.

(a) IN GENERAL.—Not later than 90 days prior to the issuance of any guidance, regulation, or suggested amendment by the Food and Drug Administration to the National Shellfish Sanitation Program's Model Ordinance, or the issuance of any guidance or regulation by the Food and Drug Administration relating to the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration (parts 123 and 1240 of title 21, Code of Federal Regulations (or any successor regulations), where such guidance, regulation, or suggested amendment relates to post-harvest processing for raw oysters, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which shall include—

(1) an assessment of how post-harvest processing or other equivalent controls feasibly may be implemented in the fastest, safest, and most economical manner;

(2) the projected public health benefits of any proposed post-harvest processing;

(3) the projected costs of compliance with such post-harvest processing measures;

(4) the impact post-harvest processing is expected to have on the sales, cost, and availability of raw oysters;

(5) criteria for ensuring post-harvest processing standards will be applied equally to shellfish imported from all nations of origin;

(6) an evaluation of alternative measures to prevent, eliminate, or reduce to an acceptable level the occurrence of foodborne illness; and

(7) the extent to which the Food and Drug Administration has consulted with the States and other regulatory agencies, as appropriate, with regard to post-harvest processing measures.

(b) LIMITATION.—Subsection (a) shall not apply to the guidance described in section 6103(h).

(c) REVIEW AND EVALUATION.—Not later than 30 days after the Secretary issues a proposed regulation or guidance described in subsection (a), the Comptroller General of the United States shall—

(1) review and evaluate the report described in subsection (a) and report to Congress on the findings of the estimates and analysis in the report;

(2) compare such proposed regulation or guidance to similar regulations or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods; and

(3) evaluate the impact of post-harvest processing on the competitiveness of the domestic oyster industry in the United States and in international markets.

(d) WAIVER.—The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

(e) PUBLIC ACCESS.—Any report prepared under this section shall be made available to the public.

SEC. 6115. PORT SHOPPING.

Until the date on which the Secretary promulgates a final rule that implements the amendments made by section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188), the Secretary shall notify the Secretary of Homeland Security of all instances in which the Secretary refuses to admit a food into the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) so that the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may prevent food refused admittance into the United States by a United States port of entry from being admitted by another United States port of entry, through the notification of other such United States ports of entry.

SEC. 6116. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—Except as provided by sections 6102, 6206, 6207, 6302, 6304, 6402, 6403, and 6404 of this Act, and the amendments made by such sections, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5001 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NONALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the receipt and distribution of any nonalcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes nonalcohol food, provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—Except as provided in subsections (a) and (b), this section shall not be construed to exempt any food, other than alcoholic beverages, as defined in section 214 of the Federal Alcohol Administration Act (27 U.S.C. 214), from the requirements of this Act (including the amendments made by this Act).

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

SEC. 6201. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6106, is amended by adding at the end the following:

"SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall identify high-risk facilities and shall allocate resources to inspect facilities according to the known safety risks of the facilities, which shall be based on the following factors:

''(A) The known safety risks of the food manufactured, processed, packed, or held at the facility.

''(B) The compliance history of a facility, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(C) The rigor and effectiveness of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, or held at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the food or the facility that manufactured, processed, packed, or held such food has received a certification as described in section 801(q) or 806, as appropriate.

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

''(B) DOMESTIC HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of domestic facilities identified under paragraph (1) as high-risk facilities such that each such facility is inspected—

''(i) not less often than once in the 5-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 3 years thereafter.

''(C) DOMESTIC NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each domestic facility that is not identified under paragraph (1) as a high-risk facility is inspected—

''(i) not less often than once in the 7-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 5 years thereafter.

''(D) FOREIGN FACILITIES.—

''(i) YEAR 1.—In the 1-year period following the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall inspect not fewer than 600 foreign facilities.

''(ii) SUBSEQUENT YEARS.—In each of the 5 years following the 1-year period described in clause (i), the Secretary shall inspect not fewer than twice the number of foreign facilities inspected by the Secretary during the previous year.

''(E) RELIANCE ON FEDERAL, STATE, OR LOCAL INSPECTIONS.—In meeting the inspection requirements under this subsection for domestic facilities, the Secretary may rely on inspections conducted by other Federal, State, or local agencies under interagency agreements, contracts, memoranda of understanding, or other obligations.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect any article of food imported into the United States according to the known safety risks of the article of food, which shall be based on the following factors:

''(1) The known safety risks of the food imported.

''(2) The known safety risks of the countries or regions of origin and countries through which such article of food is transported.

''(3) The compliance history of the importer, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(4) The rigor and effectiveness of the activities conducted by the importer of such article of food to satisfy the requirements of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food or the facility that manufactured, processed, packed, or held such food received a certification as described in section 801(q) or 806.

''(8) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(c) INTERAGENCY AGREEMENTS WITH RESPECT TO SEAFOOD.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the

Chairman of the Federal Trade Commission, and the heads of other appropriate agencies may enter into such agreements as may be necessary or appropriate to improve seafood safety.

''(2) SCOPE OF AGREEMENTS.—The agreements under paragraph (1) may include—

''(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

''(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

''(C) standardization of data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

''(D) coordination to detect and investigate violations under applicable Federal law;

''(E) a process, including the use or modification of existing processes, by which officers and employees of the National Oceanic and Atmospheric Administration may be duly designated by the Secretary to carry out seafood examinations and investigations under section 801 of this Act or section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004;

''(F) the sharing of information concerning observed noncompliance with United States food requirements domestically and in foreign nations and new regulatory decisions and policies that may affect the safety of food imported into the United States;

''(G) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities; and

''(H) outreach on Federal efforts to enhance seafood safety and compliance with Federal food safety requirements.

''(d) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture and the Secretary of Homeland Security to target food inspection resources.

''(e) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report, including efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections, regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a line of food subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices of the Food and Drug Administration including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

(c) ADVISORY COMMITTEE CONSULTATION.—In allocating inspection resources as described in section 421 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary may, as appropriate, consult with any relevant advisory committee within the Department of Health and Human Services.

SEC. 6202. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6201, is amended by adding at the end the following:

''SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.

''(a) RECOGNITION OF LABORATORY ACCREDITATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(A) establish a program for the testing of food by accredited laboratories;

''(B) establish a publicly available registry of accreditation bodies recognized by the Secretary and laboratories accredited by a recognized accreditation body, including the name of, contact information for, and other information deemed appropriate by the Secretary about such bodies and laboratories; and

''(C) require, as a condition of recognition or accreditation, as appropriate, that recognized accreditation bodies and accredited laboratories report to the Secretary any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

''(2) PROGRAM REQUIREMENTS.—The program established under paragraph (1)(A) shall provide for the recognition of laboratory accreditation bodies that meet criteria established by the Secretary for accreditation of laboratories, including independent private laboratories and laboratories run and operated by a Federal agency (including the Department of Commerce), State, or locality with a demonstrated capability to conduct 1 or more sampling and analytical testing methodologies for food.

''(3) INCREASING THE NUMBER OF QUALIFIED LABORATORIES.—The Secretary shall work with the laboratory accreditation bodies recognized under paragraph (1), as appropriate, to increase the number of qualified laboratories that are eligible to perform testing under subsection (b) beyond the number so qualified on the date of enactment of the FDA Food Safety Modernization Act.

''(4) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in coordination with the Secretary of Homeland Security, may determine the time, manner, and form in which the registry established under paragraph (1)(B) is made publicly available.

''(5) FOREIGN LABORATORIES.—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

''(6) MODEL LABORATORY STANDARDS.—The Secretary shall develop model standards that a laboratory shall meet to be accredited by a recognized accreditation body for a specified sampling or analytical testing methodology and included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall consult existing standards for guidance. The model standards shall include—

''(A) methods to ensure that—

''(i) appropriate sampling, analytical procedures (including rapid analytical procedures), and commercially available techniques are followed and reports of analyses are certified as true and accurate;

''(ii) internal quality systems are established and maintained;

''(iii) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is accredited; and

''(iv) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

''(B) any other criteria determined appropriate by the Secretary.

''(7) REVIEW OF RECOGNITION.—To ensure compliance with the requirements of this section, the Secretary—

''(A) shall periodically, and in no case less than once every 5 years, reevaluate accreditation bodies recognized under paragraph (1) and may accompany auditors from an accreditation body to assess whether the accreditation body meets the criteria for recognition; and

''(B) shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

''(b) TESTING PROCEDURES.—

''(1) IN GENERAL.—Not later than 30 months after the date of enactment of the FDA Food Safety Modernization Act, food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited for the appropriate sampling or analytical testing methodology or methodologies by a recognized accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

''(A) by or on behalf of an owner or consignee—

''(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

''(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; or

''(B) on behalf of an owner or consignee—

''(i) in support of admission of an article of food under section 801(a); and

''(ii) under an Import Alert that requires successful consecutive tests.

''(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results from such submission requirement if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

''(3) EXCEPTION.—The Secretary may waive requirements under this subsection if—

''(A) a new methodology or methodologies have been developed and validated but a laboratory has not yet been accredited to perform such methodology or methodologies; and

''(B) the use of such methodology or methodologies are necessary to prevent, control, or mitigate a food emergency or foodborne illness outbreak.

''(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited

by a recognized accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

''(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and tribal food laboratories, including the adoption of novel surveillance and identification technologies and the sharing of data among Federal agencies and State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

SEC. 6203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which laboratory network members could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

SEC. 6204. ENHANCING TRACKING AND TRACING OF FOOD AND RECORDKEEPING.

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), taking into account recommendations from the Secretary of Agriculture and representatives of State departments of health and agriculture, shall establish pilot projects in coordination with the food industry to explore and evaluate methods to rapidly and effectively identify recipients of food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) or misbranded under section 403(w) of such Act (21 U.S.C. 343(w)).

(2) CONTENT.—The Secretary shall conduct 1 or more pilot projects under paragraph (1) in coordination with the processed food sector and 1 or more such pilot projects in coordination with processors or distributors of fruits and vegetables that are raw agricultural commodities. The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the food supply and include at least 3 different types of foods that have been the subject of significant outbreaks during the 5-year period preceding the date of enactment of this Act, and are selected in order to—

(A) develop and demonstrate methods for rapid and effective tracking and tracing of foods in a manner that is practicable for facilities of varying sizes, including small businesses;

(B) develop and demonstrate appropriate technologies, including technologies existing on the date of enactment of this Act, that enhance the tracking and tracing of food; and

(C) inform the promulgation of regulations under subsection (d).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under this subsection together with recommendations for improving the tracking and tracing of food.

(b) ADDITIONAL DATA GATHERING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and multiple representatives of State departments of health and agriculture, shall assess—

(A) the costs and benefits associated with the adoption and use of several product tracing technologies, including technologies used in the pilot projects under subsection (a);

(B) the feasibility of such technologies for different sectors of the food industry, including small businesses; and

(C) whether such technologies are compatible with the requirements of this subsection.

(2) REQUIREMENTS.—To the extent practicable, in carrying out paragraph (1), the Secretary shall—

(A) evaluate domestic and international product tracing practices in commercial use;

(B) consider international efforts, including an assessment of whether product tracing requirements developed under this section are compatible with global tracing systems, as appropriate; and

(C) consult with a diverse and broad range of experts and stakeholders, including representatives of the food industry, agricultural producers, and nongovernmental organizations that represent the interests of consumers.

(c) PRODUCT TRACING SYSTEM.—The Secretary, in consultation with the Secretary of Agriculture, shall, as appropriate, establish within the Food and Drug Administration a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food that is in the United States or offered for import into the United States. Prior to the establishment of such product tracing system, the Secretary shall examine the results of applicable pilot projects and shall ensure that the activities of such system are adequately supported by the results of such pilot projects.

(d) ADDITIONAL RECORDKEEPING REQUIREMENTS FOR HIGH-RISK FOODS.—

(1) IN GENERAL.—In order to rapidly and effectively identify recipients of a food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act or misbranded under section 403(w) of such Act, not later than 2 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish recordkeeping requirements, in addition to the requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations), for facilities that manufacture, process, pack, or hold foods that the Secretary designates under paragraph (2) as high-risk foods. The Secretary shall set an appropriate effective date of such additional requirements for foods designated as high risk that takes into account the length of time necessary to comply with such requirements. Such requirements shall—

(A) relate only to information that is reasonably available and appropriate;

(B) be science-based;

(C) not prescribe specific technologies for the maintenance of records;

(D) ensure that the public health benefits of imposing additional recordkeeping requirements outweigh the cost of compliance with such requirements;

(E) be scale-appropriate and practicable for facilities of varying sizes and capabilities with respect to costs and recordkeeping burdens, and not require the creation and maintenance of duplicate records where the information is contained in other company records kept in the normal course of business;

(F) minimize the number of different recordkeeping requirements for facilities that handle more than 1 type of food;

(G) to the extent practicable, not require a facility to change business systems to comply with such requirements;

(H) allow any person subject to this subsection to maintain records required under this subsection at a central or reasonably accessible location provided that such records can be made available to the Secretary not later than 24 hours after the Secretary requests such records;

(I) include a process by which the Secretary may issue a waiver of the requirements under this subsection if the Secretary determines that such requirements would result in an economic hardship for an individual facility or a type of facility;

(J) be commensurate with the known safety risks of the designated food;

(K) take into account international trade obligations;

(L) not require—

(i) a full pedigree, or a record of the complete previous distribution history of the food from the point of origin of such food;

(ii) records of recipients of a food beyond the immediate subsequent recipient of such food; or

(iii) product tracking to the case level by persons subject to such requirements; and

(M) include a process by which the Secretary may remove a high-risk food designation developed under paragraph (2) for a food or type of food.

(2) DESIGNATION OF HIGH-RISK FOODS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and thereafter as the Secretary determines necessary, the Secretary shall designate high-risk foods for which the additional recordkeeping requirements described in paragraph (1) are appropriate and necessary to protect the public health. Each such designation shall be based on—

(i) the known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the Centers for Disease Control and Prevention;

(ii) the likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce such food;

(iii) the point in the manufacturing process of the food where contamination is most likely to occur;

(iv) the likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;

(v) the likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and

(vi) the likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

(B) LIST OF HIGH-RISK FOODS.—At the time the Secretary promulgates the final rules under paragraph (1), the Secretary shall publish the list of the foods designated under subparagraph (A) as high-risk foods on the Internet website of the Food and Drug Administration. The Secretary may update the list to designate new high-risk foods and to remove foods that are no longer deemed to be high-risk foods, provided that each such update to the list is consistent with the requirements of this subsection and notice of such update is published in the Federal Register.

(3) PROTECTION OF SENSITIVE INFORMATION.—In promulgating regulations under this subsection, the Secretary shall take appropriate measures to ensure that there are effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section, including periodic risk assessment and planning to prevent unauthorized release and controls to—

(A) prevent unauthorized reproduction of trade secret or confidential information;

(B) prevent unauthorized access to trade secret or confidential information; and

(C) maintain records with respect to access by any person to trade secret or confidential information maintained by the agency.

(4) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(5) RETENTION OF RECORDS.—Except as otherwise provided in this subsection, the Secretary may require that a facility retain records under this subsection for not more than 2 years, taking into consideration the risk of spoilage, loss of value, or loss of palatability of the applicable food when determining the appropriate timeframes.

(6) LIMITATIONS.—

(A) FARM-TO-SCHOOL PROGRAMS.—In establishing requirements under this subsection, the Secretary shall, in consultation with the Secretary of Agriculture, consider the impact of requirements on farm-to-school or farm-to-institution programs of the Department of Agriculture and other farm-to-school and farm-to-institution programs outside such agency, and shall modify the requirements under this subsection, as appropriate, with respect to such programs so that the requirements do not place undue burdens on farm-to-school or farm-to-institution programs.

(B) IDENTITY-PRESERVED LABELS WITH RESPECT TO FARM SALES OF FOOD THAT IS PRODUCED AND PACKAGED ON A FARM.—The requirements under this subsection shall not apply to a food that is produced and packaged on a farm if—

(i) the packaging of the food maintains the integrity of the product and prevents subsequent contamination or alteration of the product; and

(ii) the labeling of the food includes the name, complete address (street address, town, State, country, and zip or other postal code), and business phone number of the farm, unless the Secretary waives the requirement to include a business phone number of the farm, as appropriate, in order to accommodate a religious belief of the individual in charge of such farm.

(C) FISHING VESSELS.—The requirements under this subsection with respect to a food that is produced through the use of a fishing vessel (as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(18))) shall be limited to the requirements under subparagraph (F) until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

(D) COMMINGLED RAW AGRICULTURAL COMMODITIES.—

(i) LIMITATION ON EXTENT OF TRACING.—Recordkeeping requirements under this subsection with regard to any commingled raw agricultural commodity shall be limited to the requirements under subparagraph (F).

(ii) DEFINITIONS.—For the purposes of this subparagraph—

(I) the term ''commingled raw agricultural commodity'' means any commodity that is combined or mixed after harvesting, but before processing;

(II) the term ''commingled raw agricultural commodity'' shall not include types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that standards promulgated under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 6105) would minimize the risk of serious adverse health consequences or death; and

(III) the term ''processing'' means operations that alter the general state of the commodity, such as canning, cooking, freezing, dehydration, milling, grinding, pasteurization, or homogenization.

(E) EXEMPTION OF OTHER FOODS.—The Secretary may, by notice in the Federal Register, modify the requirements under this subsection with respect to, or exempt a food or a type of facility from, the requirements of this subsection (other than the requirements under subparagraph (F), if applicable) if the Secretary determines that product tracing requirements for such food (such as bulk or commingled ingredients that are intended to be processed to destroy pathogens) or type of facility is not necessary to protect the public health.

(F) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—In the case of a person or food to which a limitation or exemption under subparagraph (C), (D), or (E) applies, if such person, or a person who manufactures, processes, packs, or holds such food, is required to register with the Secretary under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) with respect to the manufacturing, processing, packing, or holding of the applicable food, the Secretary shall require such person to maintain records that identify the immediate previous source of such food and the immediate subsequent recipient of such food.

(G) GROCERY STORES.—With respect to a sale of a food described in subparagraph (H) to a grocery store, the Secretary shall not require such grocery store to maintain records under this subsection other than records documenting the farm that was the source of such food. The Secretary shall not require that such records be kept for more than 180 days.

(H) FARM SALES TO CONSUMERS.—The Secretary shall not require a farm to maintain any distribution records under this subsection with respect to a sale of a food described in subparagraph (I) (including a sale of a food that is produced and packaged on such farm), if such sale is made by the farm directly to a consumer.

(I) SALE OF A FOOD.—A sale of a food described in this subparagraph is a sale of a food in which—

(i) the food is produced on a farm; and

(ii) the sale is made by the owner, operator, or agent in charge of such farm directly to a consumer or grocery store.

(7) NO IMPACT ON NON-HIGH-RISK FOODS.—The recordkeeping requirements established under paragraph (1) shall have no effect on foods that are not designated by the Secretary under paragraph (2) as high-risk foods. Foods described in the preceding sentence shall be subject solely to the recordkeeping requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations).

(e) EVALUATION AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 1 year after the effective date of the final rule promulgated under subsection (d)(1), the Comptroller General of the United States shall submit to Congress a report, taking into consideration the costs of compliance and other regulatory burdens on small businesses and Federal, State, and local food safety practices and requirements, that evaluates the public health benefits and risks, if any, of limiting—

(A) the product tracing requirements under subsection (d) to foods identified under paragraph (2) of such subsection, including whether such requirements provide adequate assurance of traceability in the event of intentional adulteration, including by acts of terrorism; and

(B) the participation of restaurants in the recordkeeping requirements.

(2) DETERMINATION AND RECOMMENDATIONS.—In conducting the evaluation and report under paragraph (1), if the Comptroller General of the United States determines that the limitations described in such paragraph do not adequately protect the public health, the Comptroller General shall submit to Congress recommendations, if appropriate, regarding recordkeeping requirements for restaurants and additional foods, in order to protect the public health.

(f) FARMS.—

(1) REQUEST FOR INFORMATION.—Notwithstanding subsection (d), during an active investigation of a foodborne illness outbreak, or if the Secretary determines it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak, the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, may request that the owner, operator, or agent of a farm identify potential immediate recipients, other than consumers, of an article of the food that is the subject of such investigation if the Secretary reasonably believes such article of food—

(A) is adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act;

(B) presents a threat of serious adverse health consequences or death to humans or animals; and

(C) was adulterated as described in subparagraph (A) on a particular farm (as defined in section 1.227 of chapter 21, Code of Federal Regulations (or any successor regulation)).

(2) MANNER OF REQUEST.—In making a request under paragraph (1), the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, shall issue a written notice to the owner, operator, or agent of the farm to which the article of food has been traced. The individual providing such notice shall present to such owner, operator, or agent appropriate credentials and shall deliver such notice at reasonable times and within reasonable limits and in a reasonable manner.

(3) DELIVERY OF INFORMATION REQUESTED.—The owner, operator, or agent of a farm shall deliver the information requested under paragraph (1) in a prompt and reasonable manner. Such information may consist of records kept in the normal course of business, and may be in electronic or nonelectronic format.

(4) LIMITATION.—A request made under paragraph (1) shall not include a request for information relating to the finances, pricing of commodities produced, personnel, research, sales (other than information relating to shipping), or other disclosures that may reveal trade secrets or confidential information from the farm to which the article of food has been traced, other than information necessary to identify potential immediate recipients of such food. Section 301(j) of the Federal Food, Drug, and Cosmetic Act and the Freedom of Information Act shall apply with respect to any confidential commercial information that is disclosed to the Food and Drug Administration in the course of responding to a request under paragraph (1).

(5) RECORDS.—Except with respect to identifying potential immediate recipients in response to a request under this subsection, nothing in this subsection shall require the establishment or maintenance by farms of new records.

(g) NO LIMITATION ON COMMINGLING OF FOOD.—Nothing in this section shall be construed to authorize the Secretary to impose any limitation on the commingling of food.

(h) SMALL ENTITY COMPLIANCE GUIDE.—Not later than 180 days after promulgation of a final rule under subsection (d), the Secretary shall issue a small entity compliance guide setting forth in plain language the requirements of the regulations under such subsection in order to assist small entities, including farms and small businesses, in complying with the recordkeeping requirements under such subsection.

(i) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding any other provision of law, the regulations promulgated under subsection (d) shall apply—

(1) to small businesses (as defined by the Secretary in section 6103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 1 year after the effective date of the final regulations promulgated under subsection (d); and

(2) to very small businesses (as defined by the Secretary in section 6103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 2 years after the effective date of the final regulations promulgated under subsection (d).

(j) ENFORCEMENT.—

(1) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting ''; or the violation of any recordkeeping requirement under section 6204 of the FDA Food Safety Modernization Act (except when such violation is committed by a farm)'' before the period at the end.

(2) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the recordkeeping requirements under section 6204 of the FDA Food Safety Modernization Act (other than the requirements under subsection (f) of such section) have not been complied with regarding such article,'' in the third sentence before ''then such article shall be refused admission''.

SEC. 6205. SURVEILLANCE.

(a) DEFINITION OF FOODBORNE ILLNESS OUTBREAK.—In this Act, the term ''foodborne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

(b) FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State, and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

(2) WORKING GROUP.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and among the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers at Federal, State, and local levels to improving foodborne illness surveillance and the utility of such surveillance for preventing foodborne illness;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out the activities described in paragraph (1), there is authorized to be appropriated $24,000,000 for each fiscal years 2011 through 2015.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 6108.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2010''; and

(2) by striking ''2003 through 2006'' and inserting ''2011 through 2015''.

SEC. 6206. MANDATORY RECALL AUTHORITY.

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6202, is amended by adding at the end the following:

''SEC. 423. MANDATORY RECALL AUTHORITY.

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—

''(1) IN GENERAL.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(A) immediately cease distribution of such article; and

''(B) as applicable, immediately notify all persons—

''(i) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(2) REQUIRED ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—If an article of food covered by a recall order issued under paragraph (1)(B) has been distributed to a warehouse-based third-party logistics provider without providing such provider sufficient information to know or reasonably determine the precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the responsible party subject to the order issued under paragraph (1)(B) shall include such information as is necessary for the warehouse-based third-party logistics provider to identify the food.

''(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to exempt a warehouse-based third-party logistics provider from the requirements of this Act, including the requirements in this section and section 414; or

''(ii) to exempt a warehouse-based third party logistics provider from being the subject of a mandatory recall order.

''(3) DETERMINATION TO LIMIT AREAS AFFECTED.—If the Secretary requires a responsible party to cease distribution under paragraph (1)(A) of an article of food identified in subsection (a), the Secretary may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) RULE REGARDING ALCOHOLIC BEVERAGES.—The Secretary shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Secretary has provided the Alcohol and Tobacco Tax and Trade Bureau with a reasonable opportunity to cease distribution and recall such article under the Alcohol and Tobacco Tax and Trade Bureau authority.

''(f) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(g) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

''(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

''(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

''(B) that includes, at a minimum—

''(i) the name of the article of food subject to the recall;

''(ii) a description of the risk associated with such article; and

''(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

''(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

''(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in paragraph (1).

''(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(i) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this Act or under the Public Health Service Act.

''(j) COORDINATED COMMUNICATION.—

''(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Secretary shall establish an incident command operation or a similar operation within the Department of Health and Human Services that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

''(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a foodborne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Department of Health and Human Services to—

''(A) ensure timely and coordinated communication within the Department, including enhanced communication and coordination between different agencies and organizations within the Department;

''(B) ensure timely and coordinated communication from the Department, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

''(C) identify a single point of contact within the Department for public inquiries regarding any actions by the Secretary related to a recall;

''(D) coordinate with Federal, State, local, and tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as identified in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

''(E) conclude operations at such time as the Secretary determines appropriate.

''(3) MULTIPLE RECALLS.—The Secretary may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks necessitating such action by the Department of Health and Human Services.''.

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 423 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 423'' after ''section 402(a)(2)(B)''.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 6106, is amended by adding at the end the following:

''(xx) The refusal or failure to follow an order under section 423.''.

(e) GAO REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) identifies State and local agencies with the authority to require the mandatory recall of food, and evaluates use of such authority with regard to frequency, effectiveness, and appropriateness, including consideration of any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant authority to have been an error;

(B) identifies Federal agencies, other than the Department of Health and Human Services, with mandatory recall authority and examines use of that authority with regard to frequency, effectiveness, and appropriateness, including any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant agency to have been an error;

(C) considers models for farmer restitution implemented in other nations in cases of erroneous recalls; and

(D) makes recommendations to the Secretary regarding use of the authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by this section) to protect the public health while seeking to minimize unnecessary economic costs.

(2) EFFECT OF REVIEW.—If the Comptroller General of the United States finds, after the review conducted under paragraph (1), that the mechanisms described in such paragraph do not exist or are inadequate, then, not later than 90 days after the conclusion of such review, the Secretary of Agriculture shall conduct a study of the feasibility of implementing a farmer indemnification program to provide restitution to agricultural producers for losses sustained as a result of a mandatory recall of an agricultural commodity by a Federal or State regulatory agency that is subsequently determined to be in error. The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the use of recall authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and any public health advisories issued by the Secretary that advise against the consumption of an article of food on the ground that the article of food is adulterated and poses an imminent danger to health.

(2) CONTENT.—The report under paragraph (1) shall include, with respect to the report year—

(A) the identity of each article of food that was the subject of a public health advisory described in paragraph (1), an opportunity to cease distribution and recall under subsection (a) of section 423 of the Federal Food, Drug, and Cosmetic Act, or a mandatory recall order under subsection (b) of such section;

(B) the number of responsible parties, as defined in section 417 of the Federal Food, Drug, and Cosmetic Act, formally given the opportunity to cease distribution of an article of food

and recall such article, as described in section 423(a) of such Act;

(C) the number of responsible parties described in subparagraph (B) who did not cease distribution of or recall an article of food after given the opportunity to cease distribution or recall under section 423(a) of the Federal Food, Drug, and Cosmetic Act;

(D) the number of recall orders issued under section 423(b) of the Federal Food, Drug, and Cosmetic Act; and

(E) a description of any instances in which there was no testing that confirmed adulteration of an article of food that was the subject of a recall under section 423(b) of the Federal Food, Drug, and Cosmetic Act or a public health advisory described in paragraph (1).

SEC. 6207. ADMINISTRATIVE DETENTION OF FOOD.

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

SEC. 6209. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

(a) IMPROVING TRAINING.—Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 1012. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.

''(a) TRAINING.—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

''(1) scientific training;

''(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

''(3) training to achieve advanced product or process specialization in such inspections;

''(4) training that addresses best practices;

''(5) training in administrative process and procedure and integrity issues;

''(6) training in appropriate sampling and laboratory analysis methodology; and

''(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

''(b) PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

''(2) CONTENT.—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

''(3) EFFECT.—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

''(c) EXTENSION SERVICE.—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

''(d) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—In order to improve food safety and reduce the incidence of foodborne illness, the Secretary shall, not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, enter into one or more memoranda of understanding, or enter into other cooperative agreements, with the Secretary of Agriculture to establish a competitive grant program within the National Institute for Food and Agriculture to provide food safety training, education, extension, outreach, and technical assistance to—

''(A) owners and operators of farms;

''(B) small food processors; and

''(C) small fruit and vegetable merchant wholesalers.

''(2) IMPLEMENTATION.—The competitive grant program established under paragraph (1) shall be carried out in accordance with section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.''.

(b) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting after section 404 (7 U.S.C. 7624) the following:

"SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.

''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out the competitive grant program established under section 1012(d) of the Federal Food, Drug, and Cosmetic Act, pursuant to any memoranda of understanding entered into under such section.

''(b) INTEGRATED APPROACH.—The grant program described under subsection (a) shall be carried out under this section in a manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, conservation, and environmental practices.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that target small- and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

''(d) PROGRAM COORDINATION.—

''(1) IN GENERAL.—The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

''(2) INTERACTION.—The Secretary shall—

''(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

''(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

''(e) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

''(2) ENCOURAGED FEATURES.—The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this section shall have a term that is not more than 3 years.

''(B) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

''(f) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall be—

''(A) a State cooperative extension service;

''(B) a Federal, State, local, or tribal agency, a nonprofit community-based or nongovernmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

''(C) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a foundation maintained by an institution of higher education;

''(D) a collaboration of 2 or more eligible entities described in this subsection; or

''(E) such other appropriate entity, as determined by the Secretary.

''(2) MULTISTATE PARTNERSHIPS.—Grants under this section may be made for projects involving more than 1 State.

''(g) REGIONAL BALANCE.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

''(1) geographic diversity; and

''(2) diversity of types of agricultural production.

''(h) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

''(i) BEST PRACTICES AND MODEL PROGRAMS.—Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

SEC. 6210. ENHANCING FOOD SAFETY.

(a) GRANTS TO ENHANCE FOOD SAFETY.—Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

''SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.

''(a) IN GENERAL.—The Secretary is authorized to make grants to eligible entities to—

''(1) undertake examinations, inspections, investigations, and related food safety activities under section 702;

''(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

''(3) build the food safety capacity of the laboratories of such eligible entity, including the detection of zoonotic diseases;

''(4) build the infrastructure and capacity of the food safety programs of such eligible entity to meet the standards as outlined in the grant application; and

''(5) take appropriate action to protect the public health in response to—

''(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

''(B) a recall of food under this Act.

''(b) ELIGIBLE ENTITIES; APPLICATION.—

''(1) IN GENERAL.—In this section, the term 'eligible entity' means an entity—

''(A) that is—

''(i) a State;

''(ii) a locality;

''(iii) a territory;

''(iv) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

''(v) a nonprofit food safety training entity that collaborates with 1 or more institutions of higher education; and

''(B) that submits an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) an assurance that the eligible entity has developed plans to engage in the types of activities described in subsection (a);

''(B) a description of the types of activities to be funded by the grant;

''(C) an itemization of how grant funds received under this section will be expended;

''(D) a description of how grant activities will be monitored; and

''(E) an agreement by the eligible entity to report information required by the Secretary to conduct evaluations under this section.

''(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to an eligible entity that receives a grant under this section only to the extent such entity funds the food safety programs of such entity independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(d) ADDITIONAL AUTHORITY.—The Secretary may—

''(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

''(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

''(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for periods of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

''(f) PROGRESS AND EVALUATION.—

''(1) IN GENERAL.—The Secretary shall measure the status and success of each grant program authorized under the FDA Food Safety Modernization Act (and any amendment made by such Act), including the grant program under this section. A recipient of a grant described in the preceding sentence shall, at the end of each grant year, provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety. To the extent practicable, the Secretary shall take the performance of such a grant recipient into account when determining whether to continue funding for such recipient.

''(2) NO DUPLICATION.—In carrying out paragraph (1), the Secretary shall not duplicate the efforts of the Secretary under other provisions of this Act or the FDA Food Safety Modernization Act that require measurement and review of the activities of grant recipients under either such Act.

''(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

(b) CENTERS OF EXCELLENCE.—Part P of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''SEC. 399V–5. FOOD SAFETY INTEGRATED CENTERS OF EXCELLENCE.

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the working group described in subsection (b)(2), shall designate 5 Integrated Food Safety Centers of Excellence (referred to in this section as the 'Centers of Excellence') to serve as resources for Federal, State, and local public health professionals to respond to foodborne illness outbreaks. The Centers of Excellence shall be headquartered at selected State health departments.

''(b) SELECTION OF CENTERS OF EXCELLENCE.—

''(1) ELIGIBLE ENTITIES.—To be eligible to be designated as a Center of Excellence under subsection (a), an entity shall—

''(A) be a State health department;

''(B) partner with 1 or more institutions of higher education that have demonstrated knowledge, expertise, and meaningful experience with regional or national food production, processing, and distribution, as well as leadership in the laboratory, epidemiological, and environmental detection and investigation of foodborne illness; and

''(C) provide to the Secretary such information, at such time, and in such manner, as the Secretary may require.

''(2) WORKING GROUP.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, including food retailers and food manufacturers, consumer organizations, and academia to make recommendations to the Secretary regarding designations of the Centers of Excellence.

''(3) ADDITIONAL CENTERS OF EXCELLENCE.—The Secretary may designate eligible entities to be regional Food Safety Centers of Excellence, in addition to the 5 Centers designated under subsection (a).

''(c) ACTIVITIES.—Under the leadership of the Director of the Centers for Disease Control and Prevention, each Center of Excellence shall be based out of a selected State health department, which shall provide assistance to other regional, State, and local departments of health through activities that include—

''(1) providing resources, including timely information concerning symptoms and tests, for frontline health professionals interviewing individuals as part of routine surveillance and outbreak investigations;

''(2) providing analysis of the timeliness and effectiveness of foodborne disease surveillance and outbreak response activities;

''(3) providing training for epidemiological and environmental investigation of foodborne illness, including suggestions for streamlining and standardizing the investigation process;

''(4) establishing fellowships, stipends, and scholarships to train future epidemiological and food-safety leaders and to address critical workforce shortages;

''(5) training and coordinating State and local personnel;

''(6) strengthening capacity to participate in existing or new foodborne illness surveillance and environmental assessment information systems; and

''(7) conducting research and outreach activities focused on increasing prevention, communication, and education regarding food safety.

''(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that—

''(1) describes the effectiveness of the Centers of Excellence; and

''(2) provides legislative recommendations or describes additional resources required by the Centers of Excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''(f) NO DUPLICATION OF EFFORT.—In carrying out activities of the Centers of Excellence or other programs under this section, the Secretary shall not duplicate other Federal foodborne illness response efforts.''.

SEC. 6211. IMPROVING THE REPORTABLE FOOD REGISTRY.

(a) IN GENERAL.—Section 417 (21 U.S.C. 350f) is amended—

(1) by redesignating subsections (f) through (k) as subsections (i) through (n), respectively; and

(2) by inserting after subsection (e) the following:

''(f) CRITICAL INFORMATION.—Except with respect to fruits and vegetables that are raw agricultural commodities, not more than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary may require a responsible party to submit to the Secretary consumer-oriented information regarding a reportable food, which shall include—

''(1) a description of the article of food as provided in subsection (e)(3);

''(2) as provided in subsection (e)(7), affected product identification codes, such as UPC, SKU, or lot or batch numbers sufficient for the consumer to identify the article of food;

''(3) contact information for the responsible party as provided in subsection (e)(8); and

''(4) any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

''(g) GROCERY STORE NOTIFICATION.—

''(1) ACTION BY SECRETARY.—The Secretary shall—

''(A) prepare the critical information described under subsection (f) for a reportable food as a standardized one-page summary;

''(B) publish such one-page summary on the Internet website of the Food and Drug Administration in a format that can be easily printed by a grocery store for purposes of consumer notification.

''(2) ACTION BY GROCERY STORE.—A notification described under paragraph (1)(B) shall include the date and time such summary was posted on the Internet website of the Food and Drug Administration.

''(h) CONSUMER NOTIFICATION.—

''(1) IN GENERAL.—If a grocery store sold a reportable food that is the subject of the posting and such establishment is part of chain of establishments with 15 or more physical locations, then such establishment shall, not later than 24 hours after a one page summary described in subsection (g) is published, prominently display such summary or the information from such summary via at least one of the methods identified under paragraph (2) and maintain the display for 14 days.

''(2) LIST OF CONSPICUOUS LOCATIONS.—Not more than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop and publish a list of acceptable conspicuous locations and manners, from which grocery stores shall select at least one, for providing the notification required in paragraph (1). Such list shall include—

''(A) posting the notification at or near the register;

''(B) providing the location of the reportable food;

''(C) providing targeted recall information given to customers upon purchase of a food; and

''(D) other such prominent and conspicuous locations and manners utilized by grocery stores as of the date of the enactment of the FDA Food Safety Modernization Act to provide notice of such recalls to consumers as considered appropriate by the Secretary.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 6206, is amended by adding at the end the following:

''(yy) The knowing and willful failure to comply with the notification requirement under section 417(h).''.

(c) CONFORMING AMENDMENT.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking ''417(g)'' and inserting ''417(j)''.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

SEC. 6301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Except as provided under subsections (e) and (f), each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or agent of an importer is—

''(A) produced in compliance with the requirements of section 418 or section 419, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER DEFINED.—For purposes of this section, the term 'importer' means, with respect to an article of food—

''(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

''(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a).

''(2) REQUIREMENTS.—The regulations promulgated under paragraph (1)—

''(A) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food in compliance with—

''(i) processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under section 418 or section 419 (taking into consideration variances granted under section 419), as appropriate; and

''(ii) section 402 and section 403(w).

''(B) shall include such other requirements as the Secretary deems necessary and appropriate to verify that food imported into the United States is as safe as food produced and sold within the United States.

''(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Secretary shall, as appropriate, take into account differences among importers and types of imported foods, including based on the level of risk posed by the imported food.

''(4) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) EXEMPTION OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

The exemption under paragraph (3) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(f) ADDITIONAL EXEMPTIONS.—The Secretary, by notice published in the Federal Register, shall establish an exemption from the requirements of this section for articles of food imported in small quantities for research and evaluation purposes or for personal consumption, provided that such foods are not intended for retail sale and are not sold or distributed to the public.

''(g) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 6211, is amended by adding at the end the following:

''(zz) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer (as defined in section 805) is in violation of such section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 6302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6301, is amended by adding at the end the following:

''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Secretary of Homeland Security—

''(A) to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(B) consistent with section 808, establish a process for the issuance of a facility certification to accompany food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with, such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program established by the Secretary under subsection (a).

''(c) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice and application to the Secretary of such intent at the time and in a manner established by the Secretary.

''(d) ELIGIBILITY.—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification described in subsection (a). In reviewing the applications and making determinations on such applications, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The known safety risks of the food to be imported.

''(2) The compliance history of foreign suppliers used by the importer, as appropriate.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards for a designated food.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(e) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(g) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

SEC. 6303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(q) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary may require, as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity described in paragraph (3) provide a certification, or such other assurances as the Secretary determines appropriate, that the article of food complies with applicable requirements of this Act. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified facilities that manufacture, process, pack, or hold such food, or in such other form as the Secretary may specify.

''(2) FACTORS TO BE CONSIDERED IN REQUIRING CERTIFICATION.—The Secretary shall base the determination that an article of food is required to have a certification described in paragraph (1) on the risk of the food, including—

''(A) known safety risks associated with the food;

''(B) known food safety risks associated with the country, territory, or region of origin of the food;

''(C) a finding by the Secretary, supported by scientific, risk-based evidence, that—

''(i) the food safety programs, systems, and standards in the country, territory, or region of origin of the food are inadequate to ensure that the article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act; and

''(ii) the certification would assist the Secretary in determining whether to refuse or admit the article of food under subsection (a); and

''(D) information submitted to the Secretary in accordance with the process established in paragraph (7).

''(3) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by the Secretary; or

''(B) such other persons or entities accredited pursuant to section 808 to provide such certification or assurance.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

''(5) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

''(6) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(7) ASSESSMENT OF FOOD SAFETY PROGRAMS, SYSTEMS, AND STANDARDS.—If the Secretary determines that the food safety programs, systems, and standards in a foreign region, country, or territory are inadequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act, the Secretary shall, to the extent practicable, identify such inadequacies and establish a process by which the foreign region, country, or territory may inform the Secretary of improvements made to such food safety program, system, or standard and demonstrate that those controls are adequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

SEC. 6304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 6305. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD SAFETY.

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory food safety capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the Secretary of Homeland Security, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and testing and detection techniques.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417).

SEC. 6306. INSPECTION OF FOREIGN FOOD FACILITIES.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6302, is amended by inserting at the end the following:

''SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request,

to inspect such factory, warehouse, or other establishment. For purposes of this subsection, such an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge does not permit an inspection of a factory, warehouse, or other establishment during the 24-hour period after such request is submitted, or after such other time period, as agreed upon by the Secretary and the foreign factory, warehouse, or other establishment.''.

(b) INSPECTION BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or facility of an exporter from which seafood imported into the United States originates. The inspectors shall assess practices and processes used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to such activities.

(2) INSPECTION REPORT.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Secretary of Commerce, shall—

(i) prepare an inspection report for each inspection conducted under paragraph (1);

(ii) provide the report to the country or exporter that is the subject of the report; and

(iii) provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings of the report to the Secretary of Health and Human Services.

(B) DISTRIBUTION AND USE OF REPORT.—The Secretary of Health and Human Services shall consider the inspection reports described in subparagraph (A) in distributing inspection resources under section 421 of the Federal Food, Drug, and Cosmetic Act, as added by section 6201.

SEC. 6307. ACCREDITATION OF THIRD-PARTY AUDITORS.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6306, is amended by adding at the end the following:

"SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.

''(a) DEFINITIONS.—In this section:

''(1) AUDIT AGENT.—The term 'audit agent' means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct food safety audits on behalf of an accredited third-party auditor.

''(2) ACCREDITATION BODY.—The term 'accreditation body' means an authority that performs accreditation of third-party auditors.

''(3) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, agency of a foreign government, foreign cooperative, or any other thirdparty, as the Secretary determines appropriate in accordance with the model standards described in subsection (b)(2), that is eligible to be considered for accreditation to conduct food safety audits to certify that eligible entities meet the applicable requirements of this section. A third-party auditor may be a single individual. A third-party auditor may employ or use audit agents to help conduct consultative and regulatory audits.

''(4) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor accredited by an accreditation body to conduct audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section. An accredited third-party auditor may be an individual who conducts food safety audits to certify that eligible entities meet the applicable requirements of this section.

''(5) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

''(B) the results of which are for internal purposes only.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

''(7) REGULATORY AUDIT.—The term 'regulatory audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act; and

''(B) the results of which determine—

''(i) whether an article of food manufactured, processed, packed, or held by such entity is eligible to receive a food certification under section 801(q); or

''(ii) whether a facility is eligible to receive a facility certification under section 806(a) for purposes of participating in the program under section 806.

''(b) ACCREDITATION SYSTEM.—

''(1) ACCREDITATION BODIES.—

''(A) RECOGNITION OF ACCREDITATION BODIES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to certify that eligible entities meet the applicable requirements of this section.

''(ii) DIRECT ACCREDITATION.—If, by the date that is 2 years after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

''(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors accredited by such body and the audit agents of such auditors.

''(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(D) REINSTATEMENT.—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

''(2) MODEL ACCREDITATION STANDARDS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop model standards, including requirements for regulatory audit reports, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

''(c) THIRD-PARTY AUDITORS.—

''(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.—

''(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or foods certified by such government or agency meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

''(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity or food meets the requirements of this Act.

''(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES OR FOODS.—

''(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic food certification, described in section 801(q), or facility certification under section 806(a), as appropriate, to accompany each food shipment for import into the United States from an eligible entity, subject to requirements set forth by the Secretary. Such written or electronic certification may be included with other documentation regarding such food shipment. The Secretary shall consider certifications under section 801(q) and participation in the voluntary qualified importer program described in section 806 when targeting inspection resources under section 421.

''(B) PURPOSE OF CERTIFICATION.—The Secretary shall use certification provided by accredited third-party auditors to—

''(i) determine, in conjunction with any other assurances the Secretary may require under section 801(q), whether a food satisfies the requirements of such section; and

''(ii) determine whether a facility is eligible to be a facility from which food may be offered for import under the voluntary qualified importer program under section 806.

''(C) REQUIREMENTS FOR ISSUING CERTIFICATION.—

''(i) IN GENERAL.—An accredited third-party auditor shall issue a food certification under section 801(q) or a facility certification described under subparagraph (B) only after conducting a regulatory audit and such other activities that may be necessary to establish compliance with the requirements of such sections.

''(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a facility certification under section 806(a). Only those parties described in 801(q)(3) or the Secretary may provide a food certification under 301(g).

''(3) AUDIT REPORT SUBMISSION REQUIREMENTS.—

''(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, not later than 45 days after conducting an audit, an accredited third-party auditor or audit agent of such auditor shall prepare, and, in the case of a regulatory audit, submit, the audit report for each audit conducted, in a form and manner designated by the Secretary, which shall include—

''(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(ii) the dates of the audit;

''(iii) the scope of the audit; and

''(iv) any other information required by the Secretary that relates to or may influence an assessment of compliance with this Act.

''(B) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent of such auditor. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

''(C) LIMITATION.—The requirement under subparagraph (B) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor, except that the Secretary may access the results of a consultative audit in accordance with section 414.

''(4) REQUIREMENTS OF ACCREDITED THIRD-PARTY AUDITORS AND AUDIT AGENTS OF SUCH AUDITORS.—

''(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited third-party auditor or audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

''(i) the identification of the eligible entity subject to the audit; and

''(ii) such condition.

''(B) TYPES OF AUDITS.—An accredited third-party auditor or audit agent of such auditor may perform consultative and regulatory audits of eligible entities.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—An accredited third-party auditor may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 13-month period.

''(ii) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region.

''(5) CONFLICTS OF INTEREST.—

''(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

''(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

''(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(B) AUDIT AGENTS.—An audit agent shall—

''(i) not own or operate an eligible entity to be audited by such agent;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

''(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to implement this section and to ensure that there are protections against conflicts of interest between an accredited third-party auditor and the eligible entity to be certified by such auditor or audited by such audit agent. Such regulations shall include—

''(i) requiring that audits performed under this section be unannounced;

''(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

''(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be certified by such auditor, as described in subparagraphs (A) and (B).

''(6) WITHDRAWAL OF ACCREDITATION.—

''(A) IN GENERAL.—The Secretary shall withdraw accreditation from an accredited third-party auditor—

''(i) if food certified under section 801(q) or from a facility certified under paragraph (2)(B) by such third-party auditor is linked to an outbreak of foodborne illness that has a reasonable probability of causing serious adverse health consequences or death in humans or animals;

''(ii) following an evaluation and finding by the Secretary that the third-party auditor no longer meets the requirements for accreditation; or

''(iii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(B) ADDITIONAL BASIS FOR WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked, if the Secretary determines that there is good cause for the withdrawal.

''(C) EXCEPTION.—The Secretary may waive the application of subparagraph (A)(i) if the Secretary—

''(i) conducts an investigation of the material facts related to the outbreak of human or animal illness; and

''(ii) reviews the steps or actions taken by the third-party auditor to justify the certification and determines that the accredited third-party auditor satisfied the requirements under section 801(q) of certifying the food, or the requirements under paragraph (2)(B) of certifying the entity.

''(7) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been withdrawn under paragraph (6)—

''(A) if the Secretary determines, based on evidence presented, that the third-party auditor satisfies the requirements of this section and adequate grounds for revocation no longer exist; and

''(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked—

''(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (6)(A), through direct accreditation under subsection (b)(1)(A)(ii) or by an accreditation body in good standing; or

''(ii) under such conditions as the Secretary may require for a third-party auditor under paragraph (6)(B).

''(8) NEUTRALIZING COSTS.—The Secretary shall establish by regulation a reimbursement (user fee) program, similar to the method described in section 203(h) of the Agriculture Marketing Act of 1946, by which the Secretary assesses fees and requires accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

''(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An eligible entity shall apply for annual recertification by an accredited third-party auditor if such entity—

''(1) intends to participate in voluntary qualified importer program under section 806; or

''(2) is required to provide to the Secretary a certification under section 801(q) for any food from such entity.

''(e) FALSE STATEMENTS.—Any statement or representation made—

''(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

''(2) by an accredited third-party auditor to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

''(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

''(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

''(2) periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

''(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

''(4) take any other measures deemed necessary by the Secretary.

''(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies and auditors.

''(h) LIMITATIONS.—

''(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

SEC. 6308. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State, the Secretary of Homeland Security, and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

SEC. 6309. SMUGGLED FOOD.

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall, in coordination with the Secretary of Homeland Security, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) NOTIFICATION TO HOMELAND SECURITY.—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) PUBLIC NOTIFICATION.—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) EFFECT OF SECTION.—Nothing in this section shall affect the authority of the Secretary to issue public notifications under other circumstances.

(e) DEFINITION.—In this subsection, the term ''smuggled food'' means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 6401. FUNDING FOR FOOD SAFETY.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration such sums as may be necessary for fiscal years 2011 through 2015.

(b) INCREASED NUMBER OF FIELD STAFF.—

(1) IN GENERAL.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 4,000 staff members in fiscal year 2011;

(B) 4,200 staff members in fiscal year 2012;

(C) 4,600 staff members in fiscal year 2013; and

(D) 5,000 staff members in fiscal year 2014.

(2) FIELD STAFF FOR FOOD DEFENSE.—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 6309) from commerce.

SEC. 6402. EMPLOYEE PROTECTIONS.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 6209, is further amended by adding at the end the following:

"SEC. 1013. EMPLOYEE PROTECTIONS.

''(a) IN GENERAL.—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

''(b) PROCESS.—

''(1) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the 'Secretary') alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(C) DISMISSAL OF COMPLAINT.—

''(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

''(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) ACTION IN COURT.—

''(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

''(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(ii) the amount of back pay, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(5) REVIEW.—

''(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final

order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

''(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) EFFECT OF SECTION.—

''(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.''.

SEC. 6403. JURISDICTION; AUTHORITIES.

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding voluntary inspection of non-amenable species under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act;

(4) alter or limit the authority of the Secretary of Agriculture under the laws administered by such Secretary, including—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(C) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(D) the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

(F) the United States Warehouse Act (7 U.S.C. 241 et seq.);

(G) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); and

(H) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with the amendments made by the Agricultural Marketing Agreement Act of 1937; or

(5) alter, impede, or affect the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or any other statute, including any authority related to securing the borders of the United States, managing ports of entry, or agricultural import and entry inspection activities.

SEC. 6404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

SEC. 6405. 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, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

The SPEAKER pro tempore. Pursuant to House Resolution 1755, the motion shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 20 minutes. The gentleman from California (Mr. WAXMAN) and the gentleman from Texas (Mr. BARTON) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the pending legislation.

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

There was no objection.

□ 1620

Mr. OBEY. I yield myself 7 minutes. Mr. Speaker, I'm bringing a resolution to the floor that I have minimum high regard for, to say the least.

America is facing serious problems, the most depressing is that we have the biggest divide between the haves and the have-nots since the Great Depression. Over the last decade, 80 percent of the growth in our economy has gone to the luckiest 10 percent out there. Meanwhile, the economy is sputtering along, and families are hurting. And what has been Washington's response? Apparently, it is to spend nearly $80 billion over the next 2 years to give supersized tax cuts to millionaires and another $24 billion to give families worth $10 million a pass on paying taxes on their good fortune. This occurs at the same time that Washington politicians are singing pious songs about the need for deficit reduction.

I hope that the Congress is not too ''offended'' to recognize that, yes, we must deal with long-term budget deficits; but if this country is to grow for everybody, we also need to confront our investment deficits in jobs, in education, in infrastructure, and in science and technology. That is the context in which this bill, to keep the government functioning for a year, is being considered.

This bill freezes discretionary appropriations at the 2010 level for the rest of the fiscal year, spending $46 billion less than the President asked for this year. It adjusts last year's priorities in three main ways: It funds the current shortfall in Pell Grants for college students; it meets the increased medical needs for our veterans; it makes adequate adjustments to meet military pay and health costs. It provides the Department of Defense $513 billion, which is $4.9 billion more than last year with corresponding cuts on the domestic side of the ledger, I'm sorry to say.

Now I'm sure we'll hear a lot of talk about a number of changes in the bill, the number of hard choices we had to make in this package to try to keep Uncle Sam from being Uncle Scrooge this holiday season. John Wesley admonished us to ''do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can.'' This product falls embarrassingly short of that goal. But I make no apologies for the fact that the committee has done its dead level best within the constraints under which we are operating to make some modest adjustments, to salvage some investments which over the long haul just might create more jobs than tax breaks for millionaires and adjustments that might ease the financial desperation faced by so many families today who cannot afford to send their kids to college, to find decent child care, or to

provide adequate medical attention to their needs.

So we have had the unmitigated gall to shift additional funds to the Social Security Administration to ensure that people get their benefits without undue delay.

In an outrageously socialistic attempt to provide some additional health safety protections for miners who have all too often been the victims of the mindset of owners who put more emphasis on profitability than they do on miner safety, we shifted about $50 million into that account.

I hope that the Congress is not so penny-wise and pound foolish that they will object to our decision to shift funding to further our efforts to ferret out waste, fraud, and abuse in Social Security and Medicare.

And on a day when temperatures are dropping to 5 above zero in my hometown, and we were a balmy 23 degrees here in Washington last night, I hope this Congress isn't too offended that we have recommended $190 million above last year for homeless assistance grants to combat the growing number of families who are living on the streets, thanks to the ''brilliance'' of political leaders in Washington in managing this economy. Those are a few of the modest changes that we have made in what would otherwise be an automatic pilot course of action in a straight continuing resolution.

Within the same dollar limits, this legislation attempts to make modest adjustments that recognize that needs and conditions change over a year's time. I hope it does not represent too great an ''inconvenience'' to those Members of this body who are much more comfortable providing budget-busting tax gifts to the economic elite in this country rather than making even the tiniest government investment in programs that will help the lives of the unlucky by making their lives a little bit better with investments that might run the unholy risk of making the economy work nearly as well for average families as it does for the American elite who can afford to make large contributions to those fortunate enough to be honored by our constituents with the stewardship of the national interest.

I want to say one other thing. There are at least 50 decisions in this bill that I am flatly opposed to. There are many arguments in this bill that I have lost. But the fact is, sooner or later, if you're going to be responsible, you have to set aside your first preferences and simply do what is necessary in order to keep the government open so that Congress doesn't become the laughingstock of the country. The only responsible vote to cast on this proposition is an ''aye'' vote. I urge support for the resolution, with all of its shortcomings.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, it's rare, indeed, that I have the opportunity to watch my chairman speaking from the well, and it almost diverted me a bit. The minor adjustments in this package that cause him to be so unhappy only amount to some, like, $33 billion. Actually, if both of us dislike it so much, Mr. OBEY, and if we both voted ''no,'' maybe we could bring the turkey down and start all over again.

But in the meantime, let's not dwell too long, Mr. Speaker. We are now 9 weeks past the beginning of the new fiscal year, and Congress has yet to enact a single appropriations bill. Out of 12 total for 2011, two have passed the House while 10 bills have never even been considered by the full committee. As a result of this historic breakdown of regular order, the House will soon be considering what many people are describing as a full year continuing resolution, to keep the government operating through the end of the current fiscal year. Truth be told, it's more of a CR rolled into an omnibus spending bill because of the adjusted spending levels, the $33 billion that I was talking about, and the many extraneous policy provisions that are being added to the package as well.

It's worth noting that none of these spending adjustments or changes in policy were ever debated or considered by the Appropriations Committee or the House this year. Like so many other items added to bills in the Democrats' era of closed rules, new program funding levels and legislative riders just somehow magically appear in bill after bill, and particularly in this bill.

For the record, I remain adamantly opposed to extending this CR for the balance of the fiscal year at Democrats' current levels, which are too high, or at the inflated levels proposed in this package. Rather than simply keeping the government running, this bill picks winners and losers among agencies and programs across the government by moving some, I suggested, $30-plus billion for all kinds of programs. None of it, by the way, for defense.

Not surprisingly, Labor and Health and Human Service programs are among the biggest winners in this package, receiving an almost $7 billion net increase over fiscal year 2010. The State-Foreign Operations bill also receives a $2 billion increase over the current year's levels. By comparison, this CR omnibus provides $513 billion in base defense spending, which is over $18 billion below the department's request. It is also over $11 billion below the level the Defense Subcommittee reported out back in July.

While I freely admit that all spending, including defense, must be on the table as we look to rein in this historic set of deficits, we must proceed smartly and wisely, especially when our troops are engaged in the battlefield. Ultimately, this approach is neither. It shortchanges our troops at a time when we should be supporting them. At a time when we should be supporting our troops, this bill uses defense funding as a piggy bank for the majority's domestic priorities.

Additionally, this legislation triples the time for which the Department of Interior has to approve exploration plans for offshore operators, extending the timeline from some 30 days to 90 days and essentially codifying the de facto moratorium offshore operators have been operating under for months.

□ 1630

This significant policy change, done without debate or a single committee or House vote, has far-reaching implications relating to both existing and future oil and gas leases.

Simply put, this is a Christmas tree bill that provides more spending for the majority's many domestic priorities before their time in the majority comes to an end in early January.

I am encouraging our colleagues on both sides of the aisle who are concerned about excessive spending to oppose any effort to extend the CR beyond February. That would allow the new Republican majority to complete the unfinished FY 2011 appropriations bills at the FY 2008 levels and save taxpayers some $100 billion. This would be the clearest signal the House could send to the American people that we got the message in November and are deadly serious about cutting spending.

Even as the House prepares to consider the CR/omnibus, the House and Senate majority are finalizing the details of a 12 bill, $1.1 trillion omnibus spending bill. The Senate faces a 60-vote hurdle to pass that omnibus bill; but if they succeed, it will fall on the House Democrats to pass it, and they will have to do it without a single Republican vote, I can assure you.

Mr. Speaker, none of us believe we should shut down the government, but I cannot and will not support the CR/omnibus because it simply spends too much and contains unnecessary and extraneous legislative riders. If we pass a CR, we should pass a clean CR funded at the FY 2008 levels and demonstrate our commitment to cutting spending.

Mr. Speaker, just perchance the Senate is not able to get those 60 votes, this could be the last time that my chairman, Mr. OBEY, and I are on the floor together, and as we do that, I wanted to recognize especially my staff director, Jeff Shockey, for the fabulous job he has done working for us over these years.

With that, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today in support of this continuing resolution. This deals with the responsibility that we have to fund the government so that it can function.

This bill represents some really hard choices. It freezes discretionary funding—and this is a point that should not be lost—at a time when we are looking

at those on the other side of the aisle that would pass a tax package that would benefit the richest 3 percent of the people in this Nation. The richest 3 percent of the people in this Nation will get a tax cut, and some people have the temerity to propose an estate tax to the one-quarter of one percent of the richest people in this Nation while folks in this country and kids are going hungry.

The chairman should be commended for closing the Pell Grant shortfall and for including critical investments in services needed to keep people from falling through the cracks. I commend him for the small and modest funds dedicated to early childhood programs such as Head Start and childcare.

As the chair of the Appropriations Agriculture Subcommittee, this bill continues the important and necessary investments that we made last year in agricultural research, rural investment, nutrition and food aid, conservation, and, yes, the public health. It says that a key Federal agency like the Food and Drug Administration will have the resources it needs to meet its important responsibilities to the American people to combat the continuing economic crisis and to provide food and nutrition that millions of Americans currently rely on.

This resolution includes language that allows the Supplemental Nutrition Assistance Program and other crucial entitlement programs to be funded at the levels necessary to maintain participation in the current fiscal year. One out of five families is today on food stamps. One out of four children is going to bed hungry every single night in the United States of America.

I urge my colleagues today to support this bill, with all of its difficulties. It keeps the government functioning, and we make modest, modest progress in aiding the current economic crisis.

Mr. LEWIS of California. Mr. Speaker, if the House did what I suggested, that is to do a CR to the end of February, I would be introducing the gentleman from Kentucky (Mr. ROGERS) as the new Appropriations chairman of the House. In the meantime, I am privileged to yield the gentleman 4 minutes.

Mr. ROGERS of Kentucky. Mr. Speaker, let me thank the gentleman for yielding. He is a true gentleman. The long service that this man has contributed to the welfare of the Nation and to its defense, we can never repay JERRY LEWIS for the great job he has done as chairman and ranking member of this committee.

Mr. Speaker, how can we explain this year's so-called budget process to the American people? Should I begin with the historic failure to enact a budget resolution? How about the despicable way special interest bailout funds were dumped on the backs of our troops during the war supplemental debate?

What about the Band-aid border security supplemental that was used for political cover just months before the President proposed cutting the Border Patrol? And who could forget the fact that this year marks the first year, the very first year, the House has failed to pass a Homeland Security appropriations bill, a failure that came in the midst of several serious terrorist attacks and disrupted plots?

Then there are the results: no discipline, no oversight, no bills. Instead, we have this monstrosity before us today, a measure that punts our fiscal and oversight responsibilities into a year-long CR that is laden with exceptions, gimmicks, and riders. And it is based upon a strategy of the Senate overriding this bill with a gigantic unaffordable omnibus bill that has never seen the light of day.

Mr. Speaker, that is not a budget process. That is a failure of epic proportions.

As we were resoundingly told just 5 weeks ago, the American taxpayers are demanding far better from the stewards of their precious, but limited, dollars. We need a whole new ball game; no more bucking tough decisions, no more failing to prioritize our security needs, no more letting failing programs slide, and no more enabling the overreach of Federal agencies. We need to go back to the tough job of oversight. We need to go back and usher in a new era of collaboration and transparency. And we need to do the hard work of cutting spending, right-sizing the government, and restoring the trust of the American people.

This CR marks the culmination of failure on all fronts: process, product and performance. I urge my returning colleagues to reject this legislation and prepare to go to work in the 112th Congress.

Mr. OBEY. Mr. Speaker, could I ask the gentleman how many speakers he has remaining.

Mr. LEWIS of California. Mr. Chairman, I have three or four more speakers.

Mr. OBEY. We have none. I reserve my time.

Mr. LEWIS of California. Mr. Speaker, I am privileged to yield 3 minutes to my colleague from Virginia (Mr. WOLF).

Mr. WOLF. I thank the gentleman, and I want to thank Mr. LEWIS for his service, too.

Mr. Speaker, I rise in strong opposition. Everyone should know that in this continuing resolution there is the expansion of Indian gambling. There is the expansion of Indian gambling. And probably nobody in this institution, bar one or two people on the Appropriations Committee, has even read the bill.

This overturns a Supreme Court decision. Do you all know on my side and that side, this overturns a Supreme Court decision?

□ 1640

Has anyone remembered Abramoff and corruption and problems that have come about with regard to that? How did such an erroneous provision, how did expansion get in? No markup. No markup by the Natural Resources Committee. The election just said the American people want to know that we have read the bill. Nobody's read this bill, and now this is slipped in. And I don't know who has slipped it in. But, quite frankly——

Mr. OBEY. Would the gentleman like an answer to that question?

Mr. WOLF. Yes, sir, I would like an answer.

Mr. OBEY. This amendment was a Republican amendment offered by Mr. COLE from Oklahoma. It was not slipped in. It was voted in in the subcommittee appropriation bill 5 months ago.

Mr. WOLF. I don't care if it's a Republican amendment or a Democratic amendment, it is a bad amendment, and it will bring about major expansion of gambling.

Mr. OBEY. Don't suggest it's been sneaked. It has not.

Mr. WOLF. I reclaim my time.

There have been no hearings. The Department of the Interior has refused to answer a written request from Members of Congress to identify which tribes. So nobody knows what tribes. Nobody knows what tribes. Nobody knows anything in this institution when it comes to this.

The Department of the Interior has refused to answer. There is no consultation with the States. This bill is almost a repeat, a repeat of how this Congress and this city and this country got in trouble with the Abramoff thing. This is scandalous.

This provision—I don't care if it's a Republican amendment or a Democratic amendment; it is a bad amendment. It will bring about crime, corruption. It attacks on the poor, and it is a bad amendment. And because of all the great reasons that Mr. LEWIS said and others said why it's a bad bill, this is another good reason. This bill should be defeated. Because when you vote for this bill, you are voting for expansion of gambling all over this country.

Mr. OBEY. I yield myself 1 minute.

Mr. Speaker, I happen to agree with the gentleman from Virginia on the substance of the issue. But the fact is that the Interior Appropriations Subcommittee voted in open session with open debate to adopt the Cole amendment.

Now, as chairman of the full committee, I don't have the luxury of producing bills that represent my own priorities. It is my obligation to try to find the center of gravity that enables us to represent the views of the House. That's what we did on this issue. And for the gentleman to suggest that there is anything corrupt about it is scurrilous.

I reserve the balance of my time.

Mr. LEWIS of California. I yield 30 seconds to the gentleman from Virginia.

Mr. WOLF. It's not scurrilous. This will bring a major expansion of gambling. And I don't care what subcommittee.

I will venture, had the average Member come down here and been told tomorrow that they voted for a major expansion of gambling, they would not have known. It ought not to be on the CR bill.

It is a bad bill. It is a bad idea. It brings about crime and corruption and attacks on the poor, and I urge the defeat of this CR.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I want to say that I do understand we are here largely because there was not a budget this year and we were unable to move bills under regular order. And because of that, here we have something that was published, as I understand it, last night at midnight, and the list, itself, came out at 9 a.m. And, as a member of the committee, I am not sure what all these things are doing.

I see that we are increasing the Ag marketing healthy food initiative. Excuse me. It's not an increase. It's a brand new program.

I am the ranking member of the Ag Committee. I don't know exactly what that is. I think that might be something that has been voted on, but we have not had it through the committee. Now, I understand a lot of these other things are old items that have gone through the committee, but that one is one that has not.

The broadband, there is a $30 million increase in broadband loans. I am very confused about that because the stimulus bill increased broadband loans $7 billion. And then there is an FDA increase of $470 million. The FDA has gotten a lot of money over the past years, including some in the stimulus. So I am not sure why they are getting an increase when so many others are getting a cut.

I noticed on another page that there is a rescission for the Navy of $168 million and for the Air Force $136 million. I also serve on the Defense Committee. There has been no debate on that.

Now, on the next page, we increase funding for the IRS, including $125 million for IRS enforcement. I guess that's because people who won't get health insurance now, the IRS is going to get a lot more agents and they will have more money to spend on prosecuting people who don't buy health care.

Then over here on another page, we are cutting the Customs and Border Patrol by $225 million. We have got a problem, as we all would agree, on immigration, but we are cutting the Customs and Border Patrol for the infrastructure fence. I look further, the CDC is getting a cut of $57 million.

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

Mr. LEWIS of California. I yield the gentleman an additional minute.

Mr. KINGSTON. I thank the gentleman.

And then over here on another page, we are cutting grants for academic competitiveness. I think if there is one thing we all agree on right now is we need our students to be as competitive as possible, but we are cutting academic competitiveness $36 million. But we are increasing Congress's budget. House of Representatives, $2 million increase; Capitol Police, $8.8 million; the Congressional Budget Office, $1.7 million; the GAO, $1.5 million. So Congress is getting an increase while we are cutting academics.

And then on another page, a whole myriad of things we are cutting out of the military that runs into the millions of dollars. And I noticed here in a very small account that we are actually cutting OPIC, which is the overseas insurance account that underwrites loans for emerging markets. And it's one of the few Federal agencies that actually makes money. Now, maybe that's why we are cutting them. It would appear to me that that kind of behavior should be well rewarded, but under the CR, they are going to be getting a cut.

I respectfully think that we should put this thing back 2 or 3 months and have regular order.

Mr. OBEY. I continue to reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from California has 5 minutes remaining. The gentleman from Wisconsin has 10¾ minutes remaining.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman from California for yielding.

I rise in opposition to this CR. Having failed to present one of the 12 annual appropriation bills for fiscal year 2011 to the President, this body finds itself once again in the position of scrambling at the last minute to pass legislation just to keep the government running.

This year is different. This year the outgoing majority wants us to accomplish much of its agenda long before Republicans take control. It would seem that if you failed to pass legislation in regular order that would fund the government for the coming year that you should at least recognize that we have had an election. And if you can't finish the work, allow those who are coming in to go ahead with their own budget.

Republicans have called to cut spending to fiscal 2008 levels. This, I think, continues funding at 2010 levels. That might not seem significant until you realize that's a $100 billion difference. And when you are running these kinds of deficits, when you have this kind of debt, that makes a difference. If the first rule when you are in a hole is to stop digging, certainly the first rule when you are running a deficit like we are is to stop spending. And if we can cut it to fiscal 2008 levels rather than 2010, we should do it. We are just digging a deeper hole that we will have to fill in later and make deeper cuts later on.

So I would encourage everyone to reject this CR; pass a short-term CR so we can deal with this responsibly in January or February rather than continuing funding at an unsustainable level.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), a member of the committee.

Mr. COLE. I thank the chairman for yielding.

I had not intended to speak on this particular issue, but I had the opportunity to hear my good friend from Virginia (Mr. WOLF) in debate recently, and I wanted to come down to the floor and correct a misimpression he has about the so-called Carcieri fix. And let me begin by thanking my good friend, the chairman, for allowing us to put that particular legislation in the bill.

□ 1650

I actually proposed the amendment on the floor. It was passed unanimously on a bipartisan vote by our subcommittee of Interior. And the bill, frankly, the measure has absolutely nothing to do with gaming. As a matter of fact, the Supreme Court fix that it addresses didn't involve gaming at all. It involved a housing case, land put into trust and used for housing by an Indian tribe.

What the Supreme Court has done—by a very narrow interpretation of the 1934 Indian Reorganization Act—is to create two classes of Indian tribes, some of whom can receive land in the trust, as they have for 80 years by Secretaries of the Interior of both parties, and some of whom now cannot. Almost all the cases involved here, almost every single one, involved cases that have absolutely nothing to do with gaming.

This is ultimately a sovereignty issue and a process issue. Frankly, if this fix is not made, it would not have been made without the support, frankly, of the members of the committees of jurisdiction and of the United States Senate, who said this was the best vehicle and the best way to go. But if the fix isn't made, we are going to have billions of dollars worth of litigation and have enormous disruption of economic development in Indian Country.

I think my friend is simply under a misimpression, Mr. Speaker. I wanted to make that point for the record.

I again wanted to thank my friend, Mr. OBEY, for working with us and his staff and my good friend, the chairman of the subcommittee, Chairman MORAN, for working with us for a bipartisan solution to a real problem.

Mr. LEWIS of California. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Thank you, Mr. Chairman.

I rise in strong opposition to this CR, specifically because of section 2412.

The Democrats are holding hostage the funding necessary to sustain our nuclear weapons and our nuclear facilities until the Senate ratifies the New START Treaty. The administration opposes this provision and, in fact, has offered its ''unequivocal commitment to recapitalizing and modernizing the nuclear enterprise.''

There are significant national security issues related to the New START Treaty that must be resolved, Russian intentions, missile defense limitations and a nuclear modernization.

Just yesterday, myself and incoming Armed Services Committee Chairman McKeon and 14 other committee members sent a letter to the Senate urging them not to vote on the New START Treaty until these concerns are addressed. Unfortunately, this provision would ignore these security concerns and hold hostage the funding necessary to ensure our Nation's nuclear deterrent remains safe, secure and reliable.

Section 2142 is irresponsible, dangerous and must be opposed.

HOUSE COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES

Washington, DC, December 7, 2010.

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

HON. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are troubled by the Administration's push to ratify the New START Treaty amid outstanding concerns regarding Russian intentions, missile defense limitations, and nuclear modernization. Given the security implications associated with this treaty and the importance of such a treaty enjoying bipartisan support, we believe the Senate should not be rushed in its deliberations. Therefore, we urge the Senate not to vote on the New START Treaty in the lame duck congressional session and certainly not until these important security issues are resolved.

There remains a significant divide between Russia and the U.S. on whether New START affects our ability to deploy missiles defenses, particularly long-range missile defenses in Europe. Despite testimony from Administration officials that New START does not limit U.S. missile defenses, Moscow seems to believe it will. Russian officials have declared they would withdraw from the treaty if U.S. missile defense systems are upgraded quantitatively or qualitatively.

Russia also warns that it will build up offensive forces should its ''terms'' for a missile defense agreement not be met; all while the Administration seeks to reduce our nuclear forces. We have no insight on what these terms are, nor do we know the exact nature and scope of the missile defense negotiations reportedly occurring between Undersecretary of State Ellen Tauscher and her Russian counterpart, Deputy Foreign Minister Sergei Ryabkov.

We reject the notion that Russia can set terms for our missile defenses. Iranian and North Korean missile and nuclear programs continue unabated as highlighted by recent events. Given these threats, upgrades to our homeland missile defense capabilities and funding for missile defenses in Europe will remain top priorities for the House Armed Services Committee.

However, our principal concern is that the Administration might cede to Russian demands and allow Moscow to shape U.S. missile defense plans in exchange for its adherence to New START. This concern is exacerbated by a lack of transparency by the Administration in providing information on the nature of these secretive missile defense discussions. One way to alleviate this concern is for the Administration to provide Congress with the treaty negotiating record—which Senators have requested on numerous occasions—so that members can see firsthand how missile defense was discussed within the context of the treaty, as well as documents related to the Tauscher-Ryabkov discussions. In the meantime, we think it unwise to vote on New START until the Congress gains this additional insight and better understands how the impasse on missile defense will affect our long-term security.

We are also deeply concerned about the state of our nation's nuclear enterprise, and whether the Administration will remain committed to nuclear modernization and our nation's nuclear triad. Reversing the erosion of our nation's nuclear infrastructure—which the bipartisan U.S. Strategic Posture Commission called ''decrepit''—will require a comprehensive plan and long-term political and financial support from the Administration and both chambers of Congress.

Our committee recently received an updated ''1251 Report'' on nuclear modernization. The report provides glimpses of the Administration's revised funding requirements based on its Nuclear Posture Review released last spring. However, it is unclear exactly how these additional funds contribute to modernization. For example, over one-third of these funds appear to go towards employee pension plans—not modernization of the infrastructure or stockpile. Members of the House have yet to be briefed on the updated 1251 Report, and therefore we cannot assess the adequacy of these revised plans and funding requirements. We would hope the Senate would allow for the same due diligence in its oversight of this matter prior to a vote on New START.

As members of the House we will not have the opportunity to vote on the New START Treaty. However, the outcome of the treaty will undoubtedly impact national security policy and investment decisions within our jurisdiction as authorizers of the annual defense bill, and we will be responsible for overseeing its implementation. Because of these roles, we feel compelled to express our concerns.

We are in complete agreement with Senator Kerry who recently told the press, ''The American people want to see Republicans and Democrats working together on behalf of national security.'' We believe bipartisanship is possible with good faith and sufficient cooperation among both political parties and the executive and legislative branches of the federal government. The security concerns associated with the New START Treaty are significant and must be addressed. This requires thorough and thoughtful deliberation. The American people expect this of their government and we owe them nothing less.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Ranking Member.

MICHAEL TURNER,
Ranking Member,
Strategic Forces Subcommittee.

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining.

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

Mr. OBEY. May I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from Wisconsin has 10¾ minutes remaining.

Mr. OBEY. I yield myself such time as I may consume. Don't worry, I am not going to take it all.

Mr. Speaker, I had not expected to get into this kind of a discussion today, but I think the comments of a previous speaker from the other side illustrate just another reason why I am glad to be leaving this place.

When I came here, I don't think there were very many Members who would reach a conclusion that if someone disagreed with them on substance that somehow they were morally defective.

In a civilized, adult, legislative body, Members would recognize that there can be legitimate policy differences that can be highly controversial and that you can have honorable people on both sides of the question engage in honest debate and discussion about those issues.

In the main, that is what Members of this House usually do, but I have noticed a tendency in recent years on more and more occasions for Members to substitute hyperbole for thought and to substitute attacks on character for attacks on argument, and I find that sad indeed.

I do not know of a straighter shooter in this Congress than Mr. COLE. He is a highly partisan individual. He at one time ran the Republican Congressional Campaign Committee, but he did it with honor and, in my view, he has brought honor to this place in the way he has handled himself on a wide variety of issues as long as I have watched him operate.

I do not believe that he or any other member of the Interior subcommittee who dealt with the issue at hand demonstrated anything but an honest effort to try to deal with a Court decision which played fruit basket upset on years and years of legal precedent.

I am, for one, proud of the service that I have had in this place with people like the gentleman from Oklahoma, and I would simply urge all Members, as I leave this Chamber, to remember that there are good people on both sides of the aisle who have honest, hard-fought views and hard-earned views and have a right to express them without some off-the-wall Member accusing them of corruption.

I urge an ''aye'' vote.

I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 1½ minutes in support of the legislation.

Mr. Speaker, this is a good bill, and I urge my colleagues to support the part which was reported out by the Committee on Energy and Commerce unanimously, the food safety provisions. It, with the help of my good friend, the gentleman from Texas, reported the bill unanimously.

Why is it here? First of all, it's substantially the same as the bill passed by the House. Second of all, it is substantially the same as that passed by the Senate. It is a bill which cures the weakness of the Food and Drug Administration and the fact that about a third to a quarter of our food is imported from abroad where there is no real protection for American consumers.

Some 5,000 Americans die every year of bad food, 300,000 go to the hospital, and 77 million get sick. This bill gives the Food and Drug Administration the funds, the authority that it needs to do the job that has to be done.

If we do not pass this legislation, we will find that legislation like this could not come to the floor before late in the spring or in the summer of next year. I urge my colleagues to respect the problems that we have, to see to it that Americans are protected against unsafe food coming in from China, milk with melamine, unsafe strawberries and berries, unsafe fruits and vegetables, unsafe leafy vegetables, unsafe fish and seafood and shellfish. All manner of unsafe commodities are being brought in and sold to the American people because of the total inability of Food and Drug under current law to now protect the American people. This legislation will cure and address those problems.

I reserve the balance of my time.

Mr. BARTON of Texas. I yield myself such time as I may consume.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I rise in respectful and regretful opposition to the continuing resolution. The primary reason that the Energy and Commerce Committee has time on the floor is because of the inclusion of the Food Safety Act in the continuing resolution.

The food safety bill that passed the House last year was the result of bipartisan cooperation between Chairman WAXMAN, Subcommittee Chairman PALLONE, Chairman DINGELL, myself, then-subcommittee Ranking Member NATHAN DEAL, and others on the Republican side. It was the result of a number of years of work. It was an open process, it was an inclusive process, and the result was a very strong bipartisan vote both in the committee and on the House floor. I believe on the House floor, 59 Republicans joined with almost every Democrat to send that bill to the Senate.

□ 1700

The bill that's come back from the Senate that's been included in the continuing resolution is not the House bill, as amended. It is a Senate bill that is significantly different in several respects.

The inclusion of what's called the Tester amendment in the Senate bill means that some farms, small farms along the borders between the United States and Mexico and the United States and Canada would be exempt from some of the requirements of the bill.

The methods of payment are different. The House had a registration fee, an annual registration fee. That is not included in the Senate version.

There are a number of tax issues with the Senate bill that we have a problem with here in the House; if it was not included in the CR, the food safety bill would, in all likelihood, be subject to what we call ''blue slipping'' here in the House of Representatives.

So it really is difficult to be in opposition to the food safety bill because of the unity of purpose and the spirit of cooperation that existed in the Energy and Commerce Committee when the food safety legislation was passed last year. But our friends in the other body, as is more often than not the case, have tended to ignore our work product and send us theirs at the last moment with a ''take it or leave it'' attitude.

Ranking member and soon to be Agriculture Committee Chairman FRANK LUCAS and I have sent a letter to our Speaker suggesting that we would be more than willing to go to conference with our friends in the other body. We're going to be in session at least another week, perhaps two. We could have a conference. We could probably agree on a bipartisan, bicameral food safety bill that would pass muster in both bodies. I'm still hopeful that that might occur.

With regards to other items in the continuing resolution that are not part of the Food Safety Act, there are numerous things that we find objectionable. The FCC, the Federal Communications Commission is going to receive $350 million, which is an increase of over 4½ percent from fiscal year 2010. It's even more than $14 million, as I understand it, than what they perhaps asked for.

In the continuing resolution in terms of health provisions, there is funding for several sections of the health care law that we believe to be objectionable. The funding for public awareness, for example—so far, HHS has spent over $3 million for television ads featuring one of my favorite actors, Andy Griffith. ''The Andy Griffith Show'' and Barney Fife were one of my favorite television shows when I was growing up, and I continue to watch it on reruns.

But I have a little bit of a problem watching Mr. Griffith extol to seniors the important new benefits of the current health care law simply as a kind of a pitch master for something that, in all likelihood, we're going to change, perhaps even repeal next year.

Independent groups have found that some of these ads have misled seniors. They claim benefits that will be available while ignoring cuts to Medicare Advantage and other reductions in the Medicare payment rate. I think this is misleading and unfortunate.

In the area of telecommunications, the continuing resolution exempts the Universal Service Fund from the Anti-Deficiency Act. This would allow the government to obligate money for carrier subsidies before we actually have the money in hand. Most of us on the minority side, soon to be the majority side of the aisle, Mr. Speaker, find that to be very objectionable and, quite frankly, irresponsible.

So again, on the food safety bill that passed the House, I voted for it. I have nothing but respect and compliments for the leadership of Mr. WAXMAN, Mr. DINGELL, Mr. PALLONE, and others. But the CR version of the food safety bill that we're asked to vote on today is not the bill that came out of the House. And for that reason, regretfully, I oppose it.

And on the basic CR overall, there are numerous reasons from an Energy and Commerce perspective on the minority side of the aisle to oppose that.

So we would ask for a ''no'' vote, Mr. Speaker.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to not traffic the well when another Member is under recognition.

Mr. DINGELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from California (Mr. WAXMAN), the chairman of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Speaker, the House passed the food safety bill a year ago July. Not this July, but the July in 2009. And we waited for the Senate to act, and they recently acted by 73–25 in favor of the legislation. When we had it before us it was 283 supporters.

Now, the Senate made some changes in the bill. But all advocacy groups, all the public interest groups, have told us that FDA needs this legislation to be able to protect the American people from unsafe food, whether it's domestic or foreign imported foods. This legislation gives them important tools. They have clear authority to issue and require manufacturers to meet strong, enforceable standards to ensure the safety of various types of foods.

This bill does not create unnecessary burdens for farmers and small businesses. It would allow FDA to exercise their new authorities and require manufacturers to implement actions like preventive systems to stop outbreaks before they occur.

I would have preferred the House bill rather than the amendment in the Senate bill. But sometimes you have to accept a change that you may not favor at first blush. But to have us defeat this bill and have the American people go without the tools in FDA's hands to stop unsafe foods would be irresponsible. I urge support for the legislation.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, if the gentleman from Texas has any extra time, we would be delighted to receive it over here.

At this time I yield 1½ minutes to the distinguished gentleman from New

Jersey (Mr. PALLONE), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce, one of the original sponsors of this legislation.

Mr. PALLONE. Thank you, Chairman DINGELL, and thank you for all the work you've done on this bill and so many other bills.

There shouldn't be any more time for delay. Every time we have a food safety crisis, be it eggs or spinach or pepper or peanuts, we shake our heads at the vulnerability of our food supply and bemoan the fact that we don't have the tools to protect it. And these aren't isolated instances. Each year 76 million Americans are sickened from consuming contaminated food, and 5,000 of these people die.

Is the bill we're going to vote on today perfect? Certainly not. But it's a bill that we can all be proud of. The Food Safety Act would give the FDA the ability, the authority, and the resources to protect American consumers from contaminated food.

FDA will now better ensure food safety through more frequent inspection of food processing facilities, the development of a food trace-back system to pinpoint the source of food-borne illness, and enhanced powers to ensure that imported foods are safe.

Perhaps most notably, the bill emphasizes prevention and safety that helps ensure that food is safe before it's distributed, before it reaches store shelves, before it reaches the kitchens of American families.

We have the most productive and most efficient food distribution system in the world, but we need to make sure that we have the safest food supply. American families need to know the food they select from grocery stores and the meals they put on their kitchen tables are safe.

We started this job in the House. Let's finish it today.

Mr. BARTON of Texas. I continue to reserve, Mr. Speaker.

Mr. DINGELL. If the gentleman from Texas would yield me a little time, I'd be delighted.

Mr. BARTON of Texas. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Texas has 4 minutes remaining.

Mr. BARTON of Texas. I will yield 2 minutes to the gentleman from Michigan.

Mr. DINGELL. I thank the distinguished gentleman. And by the way, I want to commend him for his help on this legislation.

Mr. BARTON of Texas. On the House-passed bill, not this bill, but the House-passed bill.

Mr. DINGELL. I want to address that because I want the House to understand, first of all, the great job the gentleman did, but also the fact that the Senate, in an unusual action, did only slight damage to our bill.

At this time I yield 1½ minutes to my distinguished friend from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise to support this continuing resolution, which includes the Food Safety Modernization Act. I want to thank Chairman Dingell, Mr. WAXMAN, Mr. PALLONE, as well as other members of the leadership for making this important legislation a priority in this CR.

The Food Safety Modernization Act will provide the FDA with some of the resources and authorities it needs to effectively monitor our Nation's food supply and prevent outbreaks of food-borne illness.

As chairman of the Subcommittee on Oversight and Investigations, I've held 13 food safety hearings, examining the failures of the FDA and the food industry to protect our Nation's food supply.

□ 1710

The finding of these investigations highlighted the need for the first major overhaul of our food safety law in 70 years. Among its key provisions, this bill would establish a national food tracing system and provide the FDA with recall authority.

This food safety bill is not perfect, but it is a dramatic improvement over current law. I urge the next Congress to look closely at providing the FDA with a dedicated revenue stream for inspections, requiring country of origin labeling, and finally giving the FDA the subpoena power it so sorely needs.

Despite the lack of these provisions, this bill, as compromised with the Senate, is a good bill and one that deserves to be passed by this Congress and signed into law this year.

Mr. BARTON of Texas. I have no other speakers, and I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentleman from Michigan, who is regrettably leaving us at the end of this Congress, for his outstanding leadership in this matter as chairman of the Oversight Subcommittee and for the outstanding work he did to put us where we are so we can pass this legislation.

At this time, I yield 1½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise today in support of this continuing resolution, and especially the food safety provisions. They represent a good first step in reforming our food safety system and reducing food-borne illness.

This House passed much stronger food safety legislation in July 2009. The bill before us today still includes critical reforms and deserves our support. It provides the FDA with several authorities that will help the agency better prevent food-borne illnesses.

These include increased inspection of high-risk facilities, expanded authority to inspect records relating to recalls, the creation of a more accurate food facility registry, improved traceability in the event of an illness outbreak, and certification of certain foreign food imports meeting all U.S. food safety requirements.

This bill will help us identify food-borne outbreaks more quickly. Food safety is and should be a vital component of our national security and our jobs as the people's elected representatives. When it comes to the very real potential of a full-blown food-borne epidemic, we have been playing a dangerous game for far too long.

With that in mind, our food safety efforts will not end with the passage of this bill. I believe that we must establish a single food safety agency, one that would consolidate all of the food safety functions spread across 15 Federal departments under one roof.

I will continue to fight for a single agency. I believe it is needed to ensure that the food in our supermarkets, restaurants, and kitchens is safe. Nonetheless, the food safety provisions in today's resolution are a great first step. I urge my colleagues to support them.

Mr. DINGELL. At this time, I find I have no further speakers until I close, and I believe it is the right of this side to close, so at this time I ask my dear friend from Texas to say whatever he has in mind, and I urge the House to note that he is worth listening to.

Mr. BARTON of Texas. I appreciate the gentleman's indulgence.

We are going to have to suggest that the Members on the minority side vote ''no'' on the CR because of a number of reasons that our friends on the Appropriations Committee have alluded to.

If we could have a conference between the House conferees and the Senate conferees on the food safety bill, we could come to some reasonable compromises where we could recommend a vote for the food safety bill as a stand-alone bill. That is still possible to do or would be possible if the Speaker of the House and the majority leader of the Senate and the chairmen of the appropriate committees in the House and Senate were willing to go down that road. In this Congress, those types of conferences have been few and far between. So we are stuck here in a situation where you have a reasonably good piece of legislation that passed the House, a not as reasonably good piece of legislation that came out of the Senate at the last moment and is being attached to a continuing resolution that shows that the majority in both this body and the other body have refused to take their funding responsibilities very seriously for the last year.

So as much as good as is in the food safety part of the bill, and as hard as Chairman WAXMAN and Chairman DINGELL and Subcommittee Chairman PALLONE have worked on that part of it, I still believe that the correct vote on this bill today is a ''no'' vote.

So, Mr. Speaker, we do ask that Members vote ''no'' on this. The good parts of the legislation we will hopefully bring back very quickly in the next Congress and have a vote in regular order early in the year.

With that, I would ask for a ''no'' vote on the bill today.

I yield back the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from California for the purpose of a unanimous consent request.

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

Mr. COSTA. Mr. Speaker, I know the great work that Chairman DINGELL did on this effort. Unfortunately, I cannot support the continuing resolution food safety effort.

The good work we did here in the House that was sent over to the Senate, the Senate amendments make it a flawed measure. This process should be based on science and not based on miles and sales. For those reasons, I, unfortunately, will oppose the resolution.

Mr. Speaker, I want to thank Chairman Emeritus DINGELL for his support. I rise today to reluctantly oppose the Continue Resolution and attached Food Safety bill.

Unfortunately leadership has chosen to attach a gravely-flawed food safety bill to this continuing resolution which I cannot support.

Don't misunderstand—I am a huge supporter of food safety reform, I have worked on for almost 4 years.

However—the Senate poisoned our efforts by attaching arbitrary exemptions that ignore risk and leave gaping holes in our food safety system—through the Tester amendment.

I wholeheartedly support protecting our family farmers—ensuring that they are not overburdened with paperwork and regulation.

But this process should be based on science—not based on miles and sales, therefore I am voting no.

Does anyone here believe food poisoning is less dangerous if it comes from a small farm rather than a large one?

Even more concerning is that these regulations have trade implications.

With a great number of farms in Canada and Mexico well within the 275 mile threshold, we will be providing a loophole large enough to drive a Mexican truck through.

I'd like to remind my colleagues that the Serrano peppers that sickened over 1,000 people and devastated a wrongfully-accused tomato industry came from a small distributor in Texas—imported from a small farm in Mexico.

I ask my colleagues—did the size of this farm prevent those men, women and children from becoming ill?

No. Of course it didn't.

Because contaminated food can and does come from any size and any location and is no less deadly in some cases if consumed.

That is why I have worked on food safety and will continue to work on food safety.

And that is, unfortunately, why I am unable to support the Senate food safety bill with the Tester amendment included in its current form.

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

Mr. Speaker, I want to commend my dear friend from Texas for the superb job he did in working with us on this bill. The House bill was a superb bill. It came out of the Committee on Energy and Commerce unanimously, and it passed the House by an overwhelming vote. It has the endorsement of everybody in the industry, and it has the support of all of the consumer organizations and by the administration and the FDA.

I want to commend Chairman WAXMAN, Chairman PALLONE, Chairman STUPAK, and Ms. DEGETTE for their outstanding leadership. Mr. STUPAK, who leaves the Congress now, did a very fine job of conducting the hearings, which demonstrated the weaknesses of the existing law and made it possible for us to establish what needs to be done.

At the conclusion of my remarks, I will include the list of the supporters of this legislation and industry and amongst the consumers. I urge my colleagues to address that, because this is a good and a strong bill.

I want to commend Rachel Sher and Eric Flamm of the committee, and also two members of the staff who worked directly for me on this important matter, Mr. Virgil Miller and Ms. Katie Campbell, who did superb work.

The legislation before us has been changed by the Senate, but not in any significant way. I very much agree with the gentleman from Texas that we should be going to conference with the Senate. But, regrettably, while we would be doing that, we would be running out of time and failing to pass this legislation and winding up with a situation where Americans would continue dying because Food and Drug was not able to do its job and protect us not only from bad foods imported into this country, but from some which is domestically produced.

This legislation gives Food and Drug the authorities they need to seize and to compel manufacturers to use best technology for the protection of American consumers. In other words, the work which is done now by Food and Drug, which is simply catching wrongdoing, would be changed so that, in fact, we would be addressing the problems before they become real by seeing to it that industry must use the best manufacturing practices.

American industry supports this because they recognize that the food safety of the United States, as well as the food safety of goods manufactured here, is threatened by imports from places like China, where they put melamine in milk products to up the amounts of protein in milk, something which is poisoning babies and adults. And, of course, the roster of unsafe foods which we see coming onto the marketplace is a continuing source of fear, particularly when you contemplate the fact that it is coming in from China and abroad, because we import now somewhere between a quarter and a third of our food.

□ 1720

Having said these things, there is not time enough to conduct a proper investigation of the differences between the two bodies and to have a proper conference between the two bodies. I regret this as much as anyone, and it is not the fault of this House that this has taken so long. It has taken the Senate since the bill was passed in the House in June of last year, not of this year, and they have dawdled around and dawdled around, as the Senate always does, with the end result being that we are now forced, in good part, to take the Senate bill.

The blue slip problem which existed has been corrected in this legislation, and we will find that the bill, although it is not as good as the House bill, will provide enormous advantages in the safety of American food products and food products sold to American citizens by everyone who sells not only American companies but also the foreigners. I would observe that we cannot properly protect Americans from unsafe imported foods, unless we impose similar and identical burdens on Americans because of the trade laws.

I would urge my colleagues to recognize that this legislation is something which is going to stop the deaths of about 5,000 Americans a year, of 77 million who are sick and of about 300,000 who are hospitalized. This is a very serious problem, and it is my hope that we will be back next year with legislation to make the others of Food and Drug's powers sufficient to address the needs of the American public in pharmaceuticals and in other things under the jurisdiction of the Food and Drug Administration.

S. 510 SUPPORTERS

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American Bakers Association; American Beverage Association; American Public Health Association; Center for Foodborne Illness, Research & Prevention; Center for the Science in the Public Interest; Consumer Federation of America; Consumers Union; Flavor and Extract Manufacturers Association; Food Marketing Institute; Grocery Manufacturers Association; Institute of Shortening & Edible Oils Inc.; International Dairy Foods Association; International Bottled Water Association; National Association of Manufacturers; National Coffee Association of U.S.A., Inc.; National Confectioners Association; National Consumers League; National Restaurant Association; The Pew Charitable Trusts; Snack Food Association; STOP—Safe Tables Our Priority; Trust for America's Health; U.S. Chamber of Commerce and U.S. PIRG: Federation of State PIRGs.

Mr. CONYERS. Mr. Speaker, today, I rise in support of the Fiscal Year 2011 Full Year Funding Resolution. While this legislation is far from perfect, and I have deep reservations with certain funding cuts, the bill addresses serious issues and moves America forward. I am particularly happy that this funding resolution also includes the FDA Food Safety Modernization Act, which passed the Senate last week.

The 2011 Full Year Funding Resolution will help hard-working families during these tough economic times. For example, the Child Nutrition and Supplemental Nutrition Assistance Program will provide over 32 million children health meals and food assistance to over 43 million people. The legislation will also provide necessary funds to cover all current children in the Head Start program and offer child care assistance to low-income working families.

College students will be eligible to apply for the maximum Pell Grant award for $5,550. Lastly, unemployment offices will be provided additional funds to manage increased workloads.

The Resolution will keep America safe by funding key federal programs. First, it offers appropriate funding for the FBI and U.S. Attorney's office to ensure mortgage fraud investigation and prosecutions can continue. In addition, the Securities and Exchange Commission, Department of the Treasury, and other key federal agencies are given robust funding to combat financial fraud and gambling on Wall Street that led to the worst financial crisis since the Great Depression. Finally, the bill will give Internal Revenue Service resources to investigate offshore tax evasion.

As I mentioned, today's legislation also includes S. 510, the FDA Food Safety Modernization Act. The House passed a similar bill last year. This bill will help prevent outbreaks and food-borne illnesses by increasing third party testing, expands FDA access to food facilities, and requires food importers to certify their safety standards. For the first time ever, this Resolution allows the FDA to initiate a mandatory recall of food product if a company fails to do so. Lastly, the bill increases FDA inspectors to inspect food facilities.

Mr. Speaker, I have deep concerns over parts of today's legislation. Two projects in the City of Detroit which were passed into law are now being rescinded. One project provides funds to the City of Detroit airport and the other funds the city's riverfront. Both projects are necessary for the future of the city. I hope my colleagues in the Senate will amend or delete this section. Additionally, $1.5 billion is cut from existing appropriations for high speed rail. I believe this is counterproductive and will hamper America's ability to reduce its carbon footprint. Lastly, I am opposed to the federal worker pay freeze which will cause pain to hard-working Americans who make significantly less than private sector employees and steadfastly serve our Nation.

The 2011 Full Year Funding Resolution will also, for the first time, ban the transfer of Guantanamo detainees to the United States for the entire fiscal year. This ban differs from current law because it does not allow an exception to transport prisoners for prosecution. This restriction was inserted late yesterday night without any hearings or chance for modification. Moreover, today's resolution completely undermines the Department of Justice's ability to try Guantanamo detainees in Article III federal courts.

In conclusion, because this bill promotes the common good of our Nation more than it hinders it, I urge my colleagues to support the bill.

Mr. HOLT. Mr. Speaker, I am voting for the funding bill before us today but not without deep reservations. Each of the appropriations subcommittees considered bills for Fiscal Year 2011, but only two were brought to the floor for a vote. All twelve appropriations bills deserved a vote by the full House. Instead, we are freezing spending levels across the board and carrying forward most of the spending decisions made last year without a full and fair debate on the consequences for today's economy and today's needs. Surely this action does not live up to the responsibility that our constituents have entrusted to us.

The results of our failure to fully weigh the tradeoffs of our spending choices are not inconsequential. Even though serious questions remain about the effectiveness and safety of full body imaging devices, this bill increases funding for the Transportation Security Administration to procure, deploy, and staff new full body scanners in America's airports. To keep spending levels constant, the bill unilaterally ends funding for certain election reform programs, reduces funding for high speed rail, and forces the Department of Energy to raid funding for renewable energy and basic science programs in order to pay for the Advanced Research Projects Agency—Energy. This one-year funding bill freezes the pay of our dedicated public servants for two years even though non-military federal worker salaries did not create our deficit and a freeze will not solve our budget problems. While I'm pleased that this bill includes funds for a 1.4 percent military pay raise and additional funding to help our troops and their families, I regret that the bill includes tens of billions of dollars for ongoing combat operations in Afghanistan. Our continued military operations in Afghanistan and Pakistan are not making us safer, and the billions we are wasting on these wars is money that could be far better spent at home—to hire more police for our communities, build new schools, and replace our aging and increasingly dangerous road and rail bridges.

Yet even with these and many other significant problems, this bill will keep our government operating and uphold many of our important commitments. Low-income working families will receive badly needed childcare and housing assistance. Our military personnel will receive the benefits and care they need, and our veterans will have their benefits claims processed in a more timely manner. We will fully fund our aid agreement with Israel and maintain assistance programs for other countries, including Egypt, Jordan, and Pakistan. Students will continue to receive Pell grants, and the Federal Emergency Management Agency will have the resources necessary to respond to natural disasters.

The choice presented to us in the form of this bill should not be. We are putting off the tough decisions that deserve careful consideration and reasoned compromise. We can and should make that effort. Yet on balance, I believe this bill is necessary, even if the process and the product are clearly insufficient.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3082, the ''Full-Year Continuing Appropriations Act, 2011.''

This legislation includes extensions of Federal-aid highway, public transit, highway and motor carrier safety, and aviation programs.

The timely consideration of this measure is especially critical given that the current extensions of these transportation programs lapse on December 31, 2010.

Division B of this bill extends the current surface transportation programs for nine months, providing a total investment level of $54.8 billion for these programs in fiscal year 2011. This investment includes $42.3 billion for the Federal-aid highway program and $10.5 billion for Federal transit programs.

The extension of surface transportation programs provides continuity of funding for infrastructure projects, cutting-edge research, and highway safety programs across the country that are putting Americans to work, saving lives, and fostering economic prosperity for businesses and consumers alike.

An extension of current programs and funding levels is a far cry from my preferred approach to addressing the nation's growing surface transportation challenges. Meeting the overall needs of the system and developing a 21st century surface transportation network worthy of being passed on to future generations can only be accomplished through the passage of a robust and transformational long-term surface transportation authorization act.

However, extending these programs through the end of the fiscal year will provide States, localities, and public transit agencies with the degree of certainty necessary to move forward with their capital programs while Congress continues to work toward passage of a long-term surface transportation authorization bill.

I am also very pleased that Division B addresses a concern that I have raised with the Hiring Incentives to Restore Employment (HIRE) Act (P.L. 111–147) regarding the programmatic distribution of formerly earmarked funds that disproportionately benefited certain highway formula programs at the expense of other formula programs.

Division B distributes additional formula funds to States in lieu of additional Congressionally-designated funding. However, the HIRE Act distributed these additional funds to only six of the 13 Federal-aid highway formula programs. This extension act will instead distribute these funds among all 13 highway formula programs.

This change ensures that seven programs: the Appalachian Development Highway System; Rail-Highway Grade Crossing; Equity Bonus; Recreational Trails; Safe Routes to School; Coordinated Border Infrastructure; and Metropolitan Planning programs, receive additional funding in fiscal year 2011.

This approach is consistent with the approach taken in the 12 surface transportation extension acts enacted between 2003 and 2005, which distributed these additional funds through all Federal-aid highway formula programs.

In addition, H.R. 3082 includes an amended version of H.R. 5730, the ''Surface Transportation Earmark Rescission, Savings, and Accountability Act,'' which passed the House on July 27, 2010, by a vote of 394–23. H.R. 3082 eliminates unobligated balances for approximately 300 Member-designated projects contained in previous surface transportation authorization acts, including every surface transportation authorization act of the past two decades. The bill clears the books of projects that will not go forward and saves taxpayers more than $600 million. I thank the gentlewoman from Colorado (Ms. MARKEY) for introducing H.R. 5730 and working to ensure its inclusion in the bill before us today.

Specifically, the bill:

Rescinds all remaining highway earmarks designated in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (P.L. 100–17);

Rescinds all remaining highway earmarks designated in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (P.L. 102–240);

Rescinds all highway projects designated in the Transportation Equity Act for the 21st century (TEA 21) (P.L. 105–178) that have not obligated at least 10 percent of the funds authorized for the project; and

Rescinds all High Priority Project program funds authorized by the Safe, Accountable,

Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (P.L. 109–59) that were not designated for use on a specific project.

Division C of the bill extends aviation programs, taxes, and Airport and Airway Trust Fund expenditure authority through September 30, 2011. These provisions will ensure that Federal Aviation Administration, FAA, programs continue without interruption pending enactment of a long-term FAA reauthorization bill. As I have said many times over the past four years, the House has done its part to move FAA reauthorization legislation forward, only to be stymied by the Senate. In the event that a long-term FAA reauthorization bill is not enacted prior to the end of the 111th Congress, this extension act, which authorizes FAA programs through the end of the current fiscal year, will provide a measure of stability and certainty to FAA programs.

Finally, the bill extends all requirements and conditions of the Federal surface transportation and aviation programs, including provisions regarding the utilization of disadvantaged business enterprises, DBE. DBE provisions have been applicable to the Department of Transportation's financial assistance programs since 1980, and are designed to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

On March 26, 2009, the Committee on Transportation and Infrastructure held a hearing entitled ''The Department of Transportation's Disadvantaged Business Enterprise Programs.'' During the hearing, the Committee reviewed a large volume of recent evidence of race and gender discrimination from numerous sources. This evidence demonstrated that discrimination across the nation poses a serious obstacle to full and fair participation in highway, transit, and airport construction projects of women business owners and minority business owners, and provides a strong basis in evidence that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in these transportation construction projects. Based on the Committee's continuing oversight of the DBE program, Congress specifically finds that the DBE provisions are narrowly tailored to achieve a compelling governmental interest.

Mr. Speaker, I ask my colleagues to join me in supporting H.R. 3082, the ''Full-Year Continuing Appropriations Act, 2011.''

Mr. HOLT. Mr. Speaker, I rise today in support of the FDA Food Safety Modernization Act, S. 510, and to commend the Senate for its hard work in crafting and amending the bill to ensure that it would not adversely impact small and family-owned farms.

According to a study by the Centers for Disease Control, each year 76 million people (25 percent of the population) become sick, 325,000 are hospitalized and 5,000 die from foodborne illnesses in the United States. In recent years, the United States has experienced many incidents of food contamination, caused by biological and man-made toxins, from spinach contaminated with E. coli bacteria, to imported wheat gluten from China contaminated with the industrial chemical melamine, to the largest beef recall in United States history—more than 143 million pounds of beef products—due to downer cattle having entered the food supply, to another of the largest food recalls in the nation's history when Georgia-based Peanut Corporation of America recalled all of its peanut products due to salmonella contamination.

These clear instances of food contamination highlight that we are long overdue in passing comprehensive food safety legislation. I was pleased to support a strong House version of this legislation when it was considered in July 2009. While I am sorry we cannot win final approval for our stronger legislation, the bill before us today includes many of those important reforms, and represents the most comprehensive set of food safety reforms put forth since the 1930s.

The bill would provide the FDA with direct mandatory recall authority, replacing the current system which depends on individual producers to issue recalls. It would also require food producers to develop food safety plans, including identifying potential risks of contamination or other hazards, and identifying the mechanisms through which those risks would be controlled. Hazards required to be identified and controlled are very broadly defined, including biological and chemical hazards, natural and man-made toxins, pesticides, drug residues, parasites, allergens and other contaminants, whether intentionally or unintentionally introduced. The bill would increase the number of FDA inspections at all food facilities. In addition, the bill establishes a food tracing system through which consumers could rapidly be identified and deaths and illnesses could be minimized in the event of a contamination outbreak. Finally, importers would be required to verify that all imported foods comply with United States food safety requirements, and the FDA would be allowed to deny entry to a food that lacks FDA certification for high-risk foods, or that is from a foreign facility that has refused U.S. inspectors.

In particular, I want to thank my colleagues in the Senate for responding to many of the concerns raised by the National Sustainable Agriculture Coalition, NSAC, and constituents from my district that the bill would negatively impact small and family-owned farms, and value-added producers. As stated by the NSAC, ''[a]s a result of grassroots mobilization and much negotiation this bill now provides scale-appropriate food safety rules for small farms and mid-sized farms and local processors that sell to restaurants, food coops, groceries, wholesalers and at farm stands and farmers markets.''

The bill before us today includes several key Senate amendments that addressed the NSAC's concerns. For example, the Tester-Hagen amendment clarifies existing law exempting from FDA registration requirements farms that market more than 50 percent of their product directly from the farm or from farm stands or farmer's markets. In addition, it provides less costly alternatives to Hazard Analysis and Critical Control Plans, HACCP, to farms that directly market more than 50 percent of their product to consumers, stores or restaurants within their state or within 400 miles of the farm, and have gross sales of less than $500,000. The HACCP is a system through which food safety hazards at producers are identified, evaluated, and controlled, and the Tester-Hagen amendment allows qualifying farms to satisfy HACCP requirements by documenting that they comply with state laws or by providing the FDA with documentation identifying potential hazards, controls implemented to address those hazards, and monitoring mechanisms.

The Stabenow amendment establishes a competitive grant program for food safety training, giving priority to small and mid-sized farms, beginning and socially disadvantaged farmers, and small food processors. The Bennet amendment alleviates paperwork requirements applicable to all small farms, and requires the FDA to allow on-farm processing and other flexible mechanisms through which small farms may comply with the preventative control plan and produce standards requirements of the bill. Other important amendments that protect small and mid-sized farms would allow the FDA to exempt farms that engage in low-risk or no-risk value-added processing from regulatory requirements, exempt small farms from traceability and recordkeeping requirements if they sell directly to consumers or grocery stores, and remove requirements that negatively impact wildlife and wildlife habitat on farms.

I thank my supportive colleagues again for their leadership and comprehensive action on this matter, and I urge my undecided colleagues to support this bill.

Mr. LUCAS. Mr. Speaker, I rise in opposition to this legislation, H.R. 3082, the continuing resolution. Among many other issues, I object to the inclusion of Senate language from S. 510, the Food Safety Modernization Act.

Let me be clear: I believe our nation has the safest food supply in the world. I also believe we must continually examine our food production and regulatory system and move forward with changes that improve food safety.

This legislation is the product of a flawed process. It will lead to huge regulatory burdens on our nation's farmers and ranchers. It will raise the cost of food for our consumers, and it contains very little that will actually contribute to the goal of safer food. It gives the Food and Drug Administration lots of additional authorities with no accountability. In fact, with the inclusion of the so-called Tester amendment, some argue that it is a step backwards.

My concerns about the legislation are not limited to the unforgiveable process. There are serious public policy concerns as well. The Tester amendment is an illustrative example. Intended to shield small and local producers from the burdens of the new food safety law, it is opposed by virtually all of the major organizations representing farmers and ranchers.

Normally, these groups would be expected to support a provision that sought to protect their farmers and ranchers. But they oppose the Tester amendment—and any legislation that contains it—because it adds to the layers of food safety regulation, creating yet another tier of regulatory standards that will only confuse our consumers. Further, by exempting small domestic companies from Federal standards, I fear we will be required to exempt similarly sized companies in developing countries from our standards. This approach does not make food safer—it eliminates important consumer protections and puts our citizens at increased risk.

With respect to the Tester amendment, I question the value of any law that is so onerous to an industry that Senators believe segments of that industry should be excluded from it. It would be wise to reconsider the entire legislative approach.

There are other problems in the bill as well. New registration authorities for food processing facilities will create what amounts to a

federal license to be in the food business. Registration of food processing facilities was originally envisioned as a commonsense way of helping the FDA identify facilities under the bioterrorism act in 2002. This bill turns it into a license to operate, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company's registration. This is the type of government intrusion into commerce that Americans rejected in early November.

Another provision of particular concern would mandate the Food and Drug Administration to set on-farm production performance standards. For the first time, we would have the Federal government prescribing how our farmers grow crops. Farming, the growing of crops and raising of livestock, is the first organized activity pursued by man. We've been doing it for a long time. And we've been doing it without the FDA.

The vast majority of these provisions, along with recordkeeping requirements, traceability, and mandatory recall authority, will do absolutely nothing to prevent food-borne disease outbreaks from occurring, but will do plenty to keep federal bureaucrats busy. And these are all of the sorts of things that can be worked out through the normal legislative process. But only if there's a process.

Mr. Speaker, let me return to where I started: we have the safest food supply in the world. Anyone who follows current events knows that our food production system faces ongoing food safety challenges and I stand ready to work with my colleagues to address those challenges.

Our nation's farmers, ranchers, packers, processors, retailers, and consumers deserve better.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to clause 1(c) of rule XIX, further consideration of this motion is postponed.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. Under the rules of the House, when is it proper to request a rollcall vote on the item just debated?

The SPEAKER pro tempore. When proceedings resume, the question will be put to a voice vote.

Mr. BARTON of Texas. When might that be, Mr. Speaker?

The SPEAKER pro tempore. The gentleman will have to consult with leadership.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5281, DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–677) on the resolution (H. Res. 1756) providing for consideration of the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1756 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1756

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendments numbered 1 and 2, and that the House concur in the Senate amendment numbered 3 with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. For purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1756.

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

There was no objection.

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

Mr. Speaker, the DREAM Act is one of the most important pieces of legislation that I have ever discussed on the floor of the House. It means everything to hundreds of thousands of de facto Americans. To them and to all of us, it is supremely important and supremely urgent. We have a choice between forcing a brain drain from our country or retaining the best and brightest to contribute to our country and make it stronger and more prosperous.

The young people covered under this bill are the children any parent would be proud of—our sons and daughters, our neighbors, our classmates, prom kings and queens, football players, and cheerleaders—who stayed in school, played by the rules, graduated, worked hard, and stayed out of trouble. They are the children of our great Nation.

We, too, should be proud—not proud of the broken and dysfunctional immigration system and lack of enforcement that put them in this situation, not proud of their parents' violations of our immigration laws, no matter how out of touch with reality those laws may be, not proud of the indignities, discrimination and fear that these young people have faced at every turn—but of how these young Americans have overcome adversity and have demonstrated American exceptionalism, their pluck, ingenuity, ambition, drive, and creativity in pursuit of, as our Declaration of Independence puts it, life, liberty and the pursuit of happiness. These dreamers embody the very best among our American values, and we should be proud to call them countrymen.

This is a great Nation, and we will be greater still, stronger still, and more prosperous still with the full participation of these young men and women, each with the opportunity to go as far in life as their ambitions and abilities take them.

To be clear: The DREAM Act would provide conditional status to only a very limited number of individuals who meet ALL of the following standards. They must:

1. Have been brought to the United States when they were 15 years old or younger;
2. Have lived in the United States for not less than 5 years before the date of enactment;
3. Have been a person of good moral character, as defined by the Immigration and Nationality Act;
4. Have graduated from an American high school or obtained a GED;
5. Be 29 years old or younger on the date of enactment;
6. Submit biometric information;
7. Undergo security and law-enforcement background checks;
8. Undergo a medical examination; and
9. Register for the Selective Service.

Only after 10 years in this conditional status, could recipients apply for legal permanent residence. In order to adjust their status they must:

1. Have completed 2 years of college; or
2. Have served in the U.S. Armed Forces for at least 2 years and, if discharged, has received an honorable discharge;
3. Demonstrate the ability to read, write, and speak English;
4. Have maintained good moral character throughout the 10-year conditional period; and
5. Pay all back taxes owed.

This debate is about Zendy.

Zendy was brought to the United States when she was four from Zacatecas, Mexico. Zendy grew up in the United States, and found out that her parents took her here illegally when she was 9, because one of her friends was flying to Montana and their family invited her, but her parents told her she couldn't go because she didn't have papers. Zendy went to prom senior year, "it was really cool," she said, "finally my mom let me and I wanted to look pretty for prom, I didn't have a date so me and my friends went to the fair."

Zendy has a passion for law enforcement. As she put it, ''I want to help stop the drug cartels.'' Zendy, who is currently enrolled at the Community College of Denver, wants to be a DEA agent. Our decision today will determine if she engages in law enforcement to protect our laws, or she is pursued by law enforcement in violation of our laws. Will we create an agent of public safety, or will we criminalize a young woman because of actions that were not her own. Will we allow Zendy to become someone who protects us, or someone we must waste money criminalizing.

What benefits America more?

''I want to be in law enforcement and doing what I want to do in my life.''

Mr Speaker, we want Zendy as an American.

This debate is about Claudia.

Claudia is 21 years old now, and is a 3rd year college student at University of New Mexico. She attends college in New Mexico because unfortunately Colorado doesn't offer in-state tuition. She was brought here when she was 7 years old. In high school, she was vice president of the Latino Youth Leadership Club and engaged in hundreds of hours of community service tutoring younger kids.

Claudia enjoyed tutoring younger children, and wants to be an early childhood education teacher, teaching preschool and kindergarten.

She has no immediate family in Guadalajara, Mexico, where her family took her from. She was brought up here, doesn't remember much from there.

Claudia is a role model for her 11-year-old younger sister.

''I actually feel discriminated, it is sad that we are looked upon differently than other people even though we've been here long enough to know everything. This law would help me be near my family.''

Claudia would transfer to University of Colorado, closer to her family, if the Dream Act passes, and poses the question for us: Put yourself in my situation: What would you do? What's the right thing to do?

Mr. Speaker, we want Claudia as an American.

This debate is about Luis.

Luis was brought to the United States by his parents when he was ten years old in 2001. He grew up as American as anyone else, he was active in French Club and was on the varsity soccer team at Skyline High School. He was accepted into UNC but couldn't attend because of lack of status. He wants to be a psychiatrist but is not in school because of his immigration status, accepted to UNC, went to classes, dorms, couldn't go. There was ''never a difference between me and my peers,'' he says.

Luis wants to be a psychologist. Luis also seems to have a potential career ahead of him as a pundit, or perhaps even in public service or as a, g-d forbid, lobbyist. He said, without any malice, ''I might add in truly in the nature of trying to understand motivations and work with them. Many of the Republicans are looking into the money side of things, they won't listen to someone like me, what I would tell them is they should look at us not as a burden but as someone who will brighten their future. We are here and we're not going to go anywhere, and we're going to make this country better, create jobs and make the economy better.''

''America'', said Luis, is ''the place where you can make things happen.''

In a day of age in which we suffer from a national malaise of laziness, what better infusion of ingenuity can we attain than under the Dream Act?

Mr. Speaker, we want Luis as an American.

This debate is about Angel.

Angel, is a senior in high school in my district in Colorado. His parents brought him from Zacatecas, Mexico when he was six years old. In High School, he is very active and serves on the student council and in the Theater Club. He won an essay contest a couple years ago, and got a trip to NYC where he told me how excited he was to meet members of the cast of Wicked. The four days he spent in NYC helped manifest in Angel a keen interest in the arts, and he wants to go to college for performing arts.

He is 19 years old, and serves as a role model for his brother, who is in the same situation and is 14 years old and was brought here when he was one. Angel has no memories of any other country and has never been back to Mexico.

Mr. Speaker, we want Angel as an American.

This debate is about Michelle.

Michelle was brought to the United States at age 7, her little sister had skin disease caused by pollution in Mexico City. Good life, dad was a lawyer, mom stayed home, now clean homes.

Michelle is now in her 1st semester at Community College of Denver. She attended Fairview High School and was on the Nova girls soccer team as a forward. She also won an award from our Boulder Youth Advisory board, or YOAB, for greatest helper in the Boulder community because of her community service. She credited one of her teachers, Mrs. Carpenter, for helping her get involved with community service including Rotary Club.

Michelle has never been back to Mexico City, and is now 18 years old. She found out was undocumented, in 8th grade, when she wanted to go on a trip to Washington DC with her school, nations capital, school trip.

After completing her requirements, she would like to transfer to study marine biology.

''I would love to study marine biology but am not sure what they wont let me because of my situation,'' she said.

If not marine biology, then a teacher.

''My life is here now. It's not our decision to come here but we came and we're studying and we're trying make our lives better than our parents and to make a good life for ourselves. They are stopping the dreams for students who don't have papers. I don't know if they want us to work in McDonald's or Wendy's, I don't know what they want us to do, they aren't letting us reach our goals or our dreams.''

Mr. Speaker, we want Michelle as an American.

Constituent service is one of the most fulfilling components of our job. Regardless of party, regardless of the ideology of our districts, or our own ideologies, we are fundamentally in this business to help people to a person. When a veteran of a war is wrongly denied their benefits, we go to bat for them and help them cut through the bureaucratic impasse and get what they have earned by serving our country, or when we help a constituent stay in their home by identifying an alternative to foreclosure. What thrill can top that?

And then, Mr. Speaker, there are those who we are unable to help.

Chih Tsung Kao is 24. His story starts when he was 4. he entered the States with his mother with a visitor's visa, which was later changed to a student visa. ''I was basically dropped off at my grandmother's in Boulder, Colorado as my mother left back for Taiwan.'' During his stay with his paternal grandparents, his student visa status expired due to their negligence. Chih was 17 before he learned that his visa had expired. Since then, he's looked for different legal routes to obtain some sort of legal status; all leading to dead ends.

Chih is a college graduate with a Civil Engineering degree from the Colorado School of Mines in Golden, Colorado. He is currently serving in the Taiwanese military due to their conscription policy, and is trying to readjust to his new life there. This is how he describes his new life: I am illiterate in Chinese, which makes simple, everyday tasks here in the military difficult. I am also trying to learn basic spoken Chinese. . . . I can't even understand their basic commands here, and only move when others move. I will see how they will utilize me after my basic training ends and I am assigned a new post . . . but many superiors have told me they're not sure what they will be doing with me.

Chih contacted my office for help, but I was impotent to intervene and America lost this great mind, this great contributor, this engineer. Chih knows that the Dream Act comes too late for him, but told me to share his story with you, because, as he put it, ''The Dream Act may not affect me, I know that it will greatly benefit those that are in similar situations as I was. Many of them are students who strive to contribute to the workforce legally. I hope this letter helps paint a small piece of a larger picture for those that don't understand the situation and the feeling of helplessness many students and young people have in the States. It's a hard thing, feeling like the country you consider home, doesn't want you in the country at all.''

Visualize the image, Mr. Speaker, of a young man, with an engineering degree from Colorado's premier engineering school, forced to serve in the military of a foreign country where he knows no one, trying to obey orders in a language he doesn't even understand.

This is a waste of human capital, a waste of our public taxpayer money, to spend hundreds of thousands of taxpayer dollars educating Chih only to force him to serve in a military of a country he doesn't even speak the language of. It's farcical. It's absurd. And it happens every day and the Dream Act will solve it. For all of us in this body, Chih is the one we couldn't help.

We hold their futures in our hands. Mr. Speaker, please don't put us in the position of having to go back to them, yet again, and say not yet, when we all know it is inevitable. And this debate is about how to make our country stronger, more secure, more prosperous. This debate is about our values. This debate is about Zendy, Luis, this debate is about our Country and our future. I encourage my colleagues to do what they know to be the right thing.

Over $70,000 of taxpayer money was invested in Michelle. Now it's our choice. Do we want her to be a respected marine biologist or an illegal immigrant cleaning buildings for $6/hour? It's up to us. Which is better for us? For our nation?

What would you do in their shoes?

In our shoes, what do we want them to do to better ourselves and our nation?

In consigning a future scientist who may discover the cure to cancer to clean offices at 2 in the morning at minimum wage, we deprive ourselves of the cure to cancer.

''There is a million-dollar difference, over a lifetime, between the earning capacity of a high school graduate and a college graduate. Research also shows that people who go to college are healthier, are more likely to volunteer and to participate in their community, and are less likely to be incarcerated or rely on public assistance. . . . It is imperative that action be taken in 2010 to finally make college education available to these qualified graduates of U.S. high schools.''—Michael Crow, President, Arizona State University.

''The DREAM Act would throw a lifeline to these students who are already working hard in our middle and high schools and living in our communities by granting them the temporary legal status that would allow them to pursue postsecondary education. I believe it is in our best interest to educate all students to their full potential—It vastly improves their lives and grows our communities and economy.''—Drew Gilpin Faust, President, Harvard University.

The Dream Act will finally help eliminate the achievement gap in our schools, and inspire other students by upping the ante. Secretary Duncan said it well:

''Passing the Dream Act will unleash the full potential of young people who live out values that all Americans cherish—a strong work ethic; service to others; and a deep loyalty to our country. It will also strengthen our military, bolster our global economic competitiveness and increase our educational standing in the world.''

The Dream Act will finally help eliminate the achievement gap in our schools, and inspire other students by upping the ante.

The theme of my service in Congress is human capital issues. Improving our schools, increasing access to higher education. Taking on entrenched interests where necessary to increase our human capital. The flip side of the education aspect of developing our human capital is immigration. Not only do we want to grow the next generation of global leaders at home, we want to import the best and brightest from around the world. And we keep shooting ourselves in our own foot in this regard. We lost Chih, not because of him, but because of us. We turned a highly trained taxpayer-financed engineer into an incompetent enlistee in a foreign military. Brilliant.

The DREAM Act provides students powerful incentives to stay in school, do well and graduate. It is a practical step toward realizing a return on the U.S. public education system's investment in immigrant youths. A 2010 study by the UCLA North American Integration and Development Center estimates that the total earnings of DREAM Act beneficiaries over the course of their working lives would be between $1.4 trillion and $3.6 trillion.

We want them working in America. We want these potential high-earning tax payers to stay in our country and boost our economy.

A 2007 study by the Alliance for Excellent Education estimates that each high school dropout cost the nation approximately $260,000 in lost taxes and productivity. State and local economies suffer when they have less educated populaces. The nation's economy and competitive standing also suffer when there are high dropout rates.

Failure to pass the Dream Act will lead to a brain drain of our own making, a drain in which the very best of a generation, the college bound, the graduate school bound, the doctors and servicemen, scientists and poets are given a terrible choice: Go to a distant land where you have no connection, or stay here and work in the underground unskilled labor market.

The DREAM Act would also improve our national security. Leaders from the armed services have been nearly unanimous in their support of this bill because they recognize that it would help the military ''shape and maintain a mission-ready All Volunteer Force.'' Former Secretary of State General Collin Powell and military leaders from both parties have spoken up in support of the DREAM Act. Defense Secretary Robert Gates said the DREAM Act would improve ''military recruiting and readiness'' and the U.S. Department of Defense Office of the Undersecretary of Defense for Personnel and Readiness has gone as far as including the DREAM Act in its strategic plan.

It is difficult to make moral arguments that change minds in this chamber. Members of Congress, like Americans as a whole, come from various faith traditions including Christianity, Judaism, Islam, Buddhism, agnosticism, and atheism, and of course various strains of orthodoxy within their tradition.

However, there is no other area of law in which a young minor, a two year old, is culpable.

A. (Deuteronomy 24:16)—''Fathers shall not be put to death for their sons, nor shall sons be put to death for their fathers; everyone shall be put to death for his own sin.''

B. (Ezekiel 18:20)—''The person who sins will die. The son will not bear the punishment for the father's iniquity, nor will the father bear the punishment for the son's iniquity; the righteousness of the righteous will be upon himself, and the wickedness of the wicked will be upon himself.''

There is no moral code prevalent in Judeo-Christian thought that suggests that it is moral for humanity to visit the sins of the father upon the son. Our values are reflected in our legal code: When someone dies, their debts are not passed down to the son or daughter. When an adult is pulled over for speeding, no ticket is given to the two year old riding in the child-seat in back. But that is exactly what some are advocating here. Ticket the two year old who was along for the ride, they say. What they were doing was illegal. The child was speeding. Regardless of one's faith, punishing the wrong person for a crime, because of a blood relation, defies our ethical sense.

Ticketing the two year old makes no more sense than penalizing a child for passively being brought here by their parents. A two year old, a five year old, an eleven year old is not only not competent to make such a choice, but even if you assumed that they were, they are in practice unable to economically or socially separate from the family unit that provides for their sustenance. A child must go with his or her parents, there is nothing else a child can do. We don't even go up to 18, the age of majority, with this bill. To eliminate any question, we admit that a 17 year old, a 16 year old, should somehow know better, and leave their parents and home and support structure if their parents try to take them somewhere illegally. That's a bad assumption. It breaks my heart that we had to make that concession, because I know 16 year olds, 17 year olds, Madam Speaker, and think of some of the 16 year olds you know. Are they really mature and capable enough to leave their parents and survive completely on their own? Perhaps some are, but to make this bill even less controversial we set the maximum age at 15. Which means a 16 year old is supposed to competently make a decision to leave his parents if they choose to immigrate illegally. That's the concession we made to get this bill passed. No one can argue that an 8 year old or 12 year old is capable of what we expect a 17 year old to have done under this bill. The lack of a DREAM Act mechanism is immoral for our nation, and forces underage children to bear the heavy costs of their parents' decisions to violate our laws.

One argument I hear is that the DREAM Act will only encourage more illegal immigration. That argument shows a profound lack of understanding about what brings immigrants here. First of all, the illegal immigrants in question already came here without a DREAM Act. Illegal immigrants will continue to come here and stay here as long as we continue to make a mockery of immigration enforcement, and as long as they can earn more money here. We have no meaningful workplace enforcement. Comprehensive immigration reform, and I'm proud to say I'm a co-sponsor of the House bill, would have solved that. We could have reduced the number of illegal immigrants from around 15 million to close to zero. But we did not. So we are where we are, and we are not talking about comprehensive immigration reform today, instead we are talking about one of the politically easiest, most economically important, and most morally pressing element of immigration reform: recognizing the hundreds of thousands of de facto Americans, who were brought here as minors without their knowledge or consent and that our taxpayer dollars have educated 30 and will be living their lives in our nation as legal entities with the potential to eventually attain the full rights and responsibilities of citizenship.

Passing the DREAM Act would reduce the number of illegal immigrants by over 500,000,

Those who oppose the DREAM Act support the ongoing presence of over 500,000 more illegal immigrants within our borders. Opponents of the DREAM Act make a travesty of the rule of law and facilitate the ongoing presence of undocumented foreign nationals inside our country, which hurts the budgets of counties, cities, and so frustrates the states with good reason. Opponents of the DREAM act would make a criminal, rather than a police officer, out of Zandy.

States like Arizona have taken actions against illegal immigration precisely because of the size of this issue, and Congress's failure to do anything about. Well, finally we have a chance to cut illegal immigration by about 5 percent. That's substantial. I'd rather cut it by 100 percent, but 5 percent. It's something we can be proud of—a legitimate first step to show the American people that we are serious about solving this problem. At the same time, it will strengthen our economy, improve our schools, make money for taxpayers, and help restore the rule of law to our nation.

Some opponents of the bill have charged that this bill is being pushed through without

sufficient time to review it. This is hard to understand considering the bill was introduced nearly 10 years ago, and has been introduced into every subsequent Congress. In spite of this, a great deal of misinformation has recently been spreading regarding this bill. In order to set the record straight, let us explicitly address some of these concerns.

Opponents of this bill have claimed it has not received a CBO score, when in fact it has. CBO found that the DREAM Act would reduce the deficit by 1.7 billion dollars over ten years.

CBO SCORE

H.R. 6497 would affect federal revenues in a number of ways. The increase in authorized workers would affect individual and corporate income taxes, as well as social insurance taxes. On balance, those changes would increase revenues by $1.7 billion over 10 years, according to estimates provided by the staff of the Joint Committee on Taxation (JCT). Newly authorized workers also would be eligible for some refundable tax credits. CBO estimates that enacting H.R. 6497 would decrease net direct spending by about $500 million over the 2011–2020 period. That amount reflects changes in spending for refundable tax credits, Social Security, Medicare, student loans, and the Department of Homeland Security (DHS). DHS would charge fees to certify legal status under the bill. Homeland Security (DHS). DHS would charge individuals fees to certify their legal status under the bill. The department's costs to implement the bill would be covered by those fees. Under the proposal, DHS also would impose a surcharge on individuals seeking to obtain or renew their conditional nonimmigrant status. DHS would not be authorized to spend those surcharges. CBO has not completed an estimate of the legislation's potential effects on discretionary spending, but any such effects would probably be small.

I expect all Members who are serious about the deficit will enthusiastically vote for this bill.

The DREAM Act would not extend any special benefits to beneficiaries. The bill specifically excludes them during the 10-year conditional period from receiving any government subsidies to participate in the health insurance exchanges created by the Affordable Care Act. Those with conditional status also would be ineligible for Medicaid, Food Stamps and other entitlement programs.

States will still have the authority to decide who is eligible for public higher education benefits based on residency. If a state provides eligibility for in-state tuition to DREAM beneficiaries in the state and they choose to attend a public university outside of the state, they will pay the same rates as other out-of-state students.

Students may only access benefits that they work for, or pay for. DREAM beneficiaries are only eligible for federal student loans (which must be paid back), and federal work-study programs, where they must work for any benefit they receive. Students are prohibited from obtaining Pell or other federal grants.

To be clear: recipients of the DREAM would not be able to receive any federal funds. These concessions were not easy to make. While painful, however, these are fair concessions to ease the concerns regarding this bill. For opponents to continue their obstructionism demonstrates a clear lack of interest in actually solving our immigration challenges.

In my state of Colorado, 46,000 young people will be eligible, according to one study. These young people are an untapped resource for my state that would boost the local economies of where they live.

Our decision before us today is clear, we can either create a marine scientist to contribute to our country and increase our knowledge, or create an illegal immigrant out of Claudia.

Our nation deserves more scientists and engineers, not more illegal immigrants.

I also want to pose two questions, one is what would we ask of them (what do we want them to do), the second is, what is best for us and our country?

Claudia posed it well "What do they want us to do?" Instead of going to college or serving in the military, Are we telling Claudia and the others to clean buildings at night? Are we telling them to become nannies, construction workers, housekeepers or other occupations available to undocumented immigrants because of our lax enforcement? Or are we telling her to go to a country where she knows no one and has never been in her memory, where she barely speaks the language and would be lost and unable to work? I want Claudia to be the best darn Marine Scientist in the United States and to make great scientific discoveries that benefit humanity and improve our knowledge of the oceans. For those who oppose the DREAM Act, what do you want Claudia to do?

And what serves us best? What serves our interests best? Is it Claudia working illegally as a housekeeper? Is it her leaving our nation after we've invested tens of thousands of dollars of taxpayer money in her education? Wouldn't it be more beneficial to our country to allow her to live up to her potential here with the rights and responsibilities of an American. These stateless young people will be a credit to their nation, let's make it our nation.

Madam Speaker, this debate is about Ray. Ray was brought here when she was two years old. Her parents told her that she was born in the United States so she wouldn't feel the stigma of being foreign born. So Ray grew up not knowing she was foreign born until she was a teenager. Ray wanted to be involved with the fashion industry. Her tough, can-do attitude led her to start her own lace business. Unfortunately, Ray is no longer with us, but don't fret, this immigrant story ends happily. Ray Keller, my great grandmother, passed away at the age of 98 in 1989. Without friendly immigration laws that allowed people to naturalize, I wouldn't be standing here before you today, as a member of the United States Congress. So too, there are future generations of Americans, including I'm sure future members of this body, who are relying on our vote today to recognize their forebears as the excellent Americans that they already are in all but name. Madam Speaker, Ray Keller was a proud American.

I encourage my colleagues to support the rule and the underlying bill.

I reserve the balance of my time.

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

I thank my colleague from Colorado for yielding time.

Today, I rise in opposition to the rule for H.R. 6497, and I urge my colleagues to vote against it.

Mr. Speaker, I don't think there is anyone on our side of the aisle who isn't empathetic to the fact that the youth brought to America as children did not come here illegally of their own accord. I certainly feel that way.

However, the majority of immigrants come to America because of what our Nation stands for, which is rooted in our foundation—the cornerstone being our rule of law. In order to maintain our liberties and freedom, Congress must always respect and preserve the rule of law. We must exercise our principles in fairness, not inequity; and I would argue that amnesty is not fairness but a direct assault on the rule of law.

Our immigration system is in disarray, and any immigration legislation we consider should begin with securing the border and should go through regular order.

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

Mr. POLIS. Mr. Speaker, I yield to the gentlewoman from Florida (Ms. CASTOR) for a unanimous consent request.

(Ms. CASTOR of Florida asked and was given permission to revise and extend her remarks.)

Ms. CASTOR of Florida. I thank the gentleman for yielding and rise in support of the DREAM Act.

I rise today in support of thousands of Florida students—and families and businesses throughout my community—who will benefit under the Dream Act.

Our great nation is built fundamental principles of liberty, equality and opportunity.

These values apply to all, except for a small group of young people who have been stuck in limbo through no fault of their own and face obstacles to education and productivity.

Young woman from central Florida came to the U.S. from Costa Rica with her family when she was very young. She graduated from an arts magnet school with a 4.2 GPA. She was accepted to every school she applied to, but she couldn't attend any because tuition was too high and she didn't qualify for financial aid. The Dream Act will help.

Armwood High School valedictorian who faced obstacles as he tried to get college financial aid and scholarships. Despite perfect grades, he had a tough time getting the financial help he needed.

Young woman I know who was born in Mexico City. She grew up with only her mother after she was brought to America as a baby. Despite stellar grades in high school, she was ineligible for in-state college tuition.

"It would have given me a lot more opportunities," she says. "It would have made me part of the fabric of this country that I have lived in my whole life and that I have contributed to my whole life."

In Florida, in-state tuition costs about $5,200 per year, but out-of-state at the University of South Florida, $16,000. At the University of Florida, it exceeds $25,000. The Dream Act will breathe new life into the hopes and dreams of young people who only know America as their home. We need to support and encourage higher education, instead of preventing and discouraging these teens from attending college.

The Dream Act would allow students who entered the United States before their 16th birthday, who have lived in the country for at

least five years, who are in good moral standing and who have graduated from high school to be classified as permanent residents and pursue a path toward citizenship. As permanent residents, they would be able to apply for in-state tuition and federal student financial aid, enabling them to pursue the American Dream of higher education.

Young adults could also earn conditional permanent residency status if they complete two years in the military.

I am proud to co-sponsor this vital legislation and look forward to its swift passage so we can help put our hard-working and intelligent students on the road to citizenship.

□ 1730

Ms. FOXX. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend.

I think it's unfortunate the way that the majority leadership has treated this issue when, Mr. Speaker, you see that after bringing the stimulus and the cap-and-trade and the health care legislation and all of the political capital that the President and this majority leadership had has been exhausted; and after receiving that defeat at the polls, after all that they bring this legislation to the floor.

I think the process is most unfortunate. And the way in which they have handled this legislation, Mr. Speaker, shows the lack of interest that they have had in it. That doesn't negate, however, the fact that the legislation is extremely important. If there is anything that distinguishes the United States of America—I think in an appropriate and in an admirable way—it is that we are a meritocracy. You stand or you fall in the United States of America based on your own decisions, not the decisions of your parents or your grandparents or their grandparents. Your decisions determine your reputation in the United States of America.

So what we are dealing with in this legislation is who we are dealing with, number one, the kind of immigration that we work day in and day out to try to attract and retain in the United States, college-educated people who have become so after extraordinary hard work.

Secondly, Mr. Speaker, after thinking about what we are trying to do, it all boils down to the decisions. I referred previously to the fact that the United States is distinguished by the fact that the American people stand or fall based on our own decisions. What are the decisions that those students who we're dealing with in this legislation have made in their lives? They didn't make the decision to come to the United States out of status. The only decisions that they have made in their lives have been to work hard, to study hard, to make our communities proud. This legislation seeks to give them an opportunity to make their situation regular, normal so that they can contribute even more to the greatness of this Nation.

At the end of the day, despite the unfortunate process, we cannot stop thinking about who we are dealing with in this legislation. That is why I have been, for a decade, a sponsor or cosponsor of this legislation, and that is why I am proud to support it this evening. I urge my colleagues to join me in supporting this legislation.

Ms. FOXX. Mr. Speaker, I yield 7 minutes to my distinguished colleague and soon-to-be chairman of the Judiciary Committee, Mr. SMITH from Texas.

Mr. SMITH of Texas. I thank my colleague for yielding and a distinguished member of the Rules Committee for giving me time.

Mr. Speaker, I oppose this rule. The so-called DREAM Act is a nightmare for the American people, and this proposed rule is a nightmare for House Members. Once again, we are considering a bill that Members have not had adequate time to review, that has not gone through the proper committee process, and that we cannot amend. This is far from the open and transparent process we were promised.

The majority promised that Members of this body would be able to review legislation for 24 hours prior to a vote. We have only had the text of this bill for a few hours. So much for that commitment to the American people.

If this rule passes, the majority will have prevented Members from offering amendments. And the majority has even eliminated the one possible way the bill could be improved, with a motion to recommit. This undemocratic way of considering legislation stands in contrast to the way Republicans will operate in the next Congress. Come January, the Republican majority will show the Democrats what it's like to have a fair, honest and open debate. We will educate them on the democratic process.

Just over a month ago, the American people rebuked the way that Democrats have run the House of Representatives and the Federal Government in general, so one might think that the majority would change their ways, but it seems that the Democrats have learned nothing and have forgotten everything.

If this rule is adopted, we will be forced to consider a bill that we will have no chance to amend, even though it puts the interests of illegal immigrants ahead of the interests of American citizens. It hurts American workers, rewards lawbreakers, and encourages continued defiance of the most fundamental American value—the rule of law.

Today Americans face an unemployment rate of 9.8 percent. The unemployment rate has exceeded 9.5 percent for 16 straight months, the longest stretch since the Great Depression. The DREAM Act makes illegal immigrants eligible to work legally in the United States. Why are Democrats doing this to American workers? This Congress should focus on creating jobs for Americans, not promoting policies that cause unemployment.

I am sympathetic to the young, illegal immigrant children who were brought here by their parents. Because their parents disregarded America's immigration laws, they are in a difficult position. However, this bill actually rewards the very illegal immigrant parents who knowingly violated our laws.

Once the DREAM Act's amnesty recipients become citizens and turn 21, if they haven't already they can sponsor their illegal immigrant parents, spouse, or children for legalization, who can then sponsor others, resulting in chain migration that will further hurt American workers and American taxpayers.

As has happened with past amnesties, this new amnesty will encourage more illegal immigration because other illegal immigrant parents will bring their children to the U.S. with the expectation that they, too, will benefit from the DREAM Act.

Also, as soon as an individual files an application under the DREAM Act, the Department of Homeland Security is prohibited from removing them. So there is an automatic stay from deportation for anyone who applies under this bill. And criminals are not excluded. Those with histories of passport fraud, visa fraud, and even driving under the influence will be granted amnesty.

Although the bill enacts disastrous policies, the lack of an open and fair process is another reason to oppose it and this rule.

The majority has brought this bill to the floor without giving Members adequate time to review it. The majority has brought this bill to the floor without holding any hearings on the bill or its impact, thus depriving Members of the ability to learn how the bill would work or not work. The majority has brought this bill to the floor without committee approval, so Members have not had the opportunity to offer amendments. The majority has even eliminated the one way the minority is supposedly guaranteed as a way to address the people's concerns, a motion to recommit.

In addition to the negative impact of the DREAM Act on American citizens and the rule of law, the undemocratic procedures justify strong opposition to the rule.

Mr. POLIS. Madam Speaker, I have no additional speakers and reserve the balance of my time to allow the gentlelady to close.

Ms. FOXX. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentlelady for yielding.

Madam Speaker, I rise in very strong opposition to the rule for H.R. 5281, the so-called DREAM Act; in fact, many of those and my constituents who abide by the rule of law would call this a

''nightmare act'' rather than the DREAM Act.

This legislation has been misnamed from the beginning as an avenue for young men and women to obtain the American Dream; but let me be perfectly clear, Madam Speaker, H.R. 5281 is nothing short of amnesty for illegal immigrants. According to the Migration Policy Institute, an estimated 2 million immigrants will be eligible for amnesty under this bill. That number is not too difficult to imagine given that H.R. 5281 would allow these individuals, once they are naturalized and become 21 years of age, to exploit our broken system by sponsoring their immediate relatives with no numerical cap.

□ 1740

We call that chain migration. In fact, they could each bring in something like 179 other individuals.

Further, the potential for fraud is exponentially great, considering that one provision of the bill mandates that the immigrant has resided in the United States since they turned 16. My question is simple: How can we verify how long an illegal immigrant has been in the United States? We cannot and should not require ourselves to rely on the word of individuals whose very presence in the United States is illegal.

So, Madam Speaker, we all know that the requirements to become a legalized permanent resident under H.R. 5281 do not actually mandate that the potential naturalized citizens complete any college or vocational degree. They just simply have to show up and go for 2 years. If the bill attempts to integrate and educate the immigrant workforce into America, this legislation certainly will not achieve that goal.

So, in closing, Madam Speaker, H.R. 5281 will open the doors, yes, to criminal aliens obtaining permanent status to the detriment of legal immigrants. This legislation allows an illegal alien to submit an application for legalized permanent resident status; and in doing so, the Department of Homeland Security will no longer be allowed to deport them, criminal or not.

I urge my colleagues, oppose this rule and the underlying legislation.

Ms. FOXX. Madam Speaker, I now would like to yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Madam Speaker, I rise in opposition to both the rule and the so-called DREAM Act.

Madam Speaker, the American people are adamantly opposed to the DREAM Act because they understand that it is nothing more than mass amnesty that will undoubtedly encourage millions more to illegally immigrate into our country. Yes, we are being told by those on the other side of the aisle that this is not amnesty. But if it walks like a duck, if it quacks like a duck, then it is a duck. And this may be a lame duck, Madam Speaker, but it is amnesty.

The DREAM Act specifically focuses on promising young foreigners a bright future if their parents choose to break the law. This will unquestionably encourage desperate parents to bring their children, perhaps millions of them, across our borders illegally. And once the children gain citizenship, their parents and other immediate family members will be put on the fast track to citizenship through family unification and then will be eligible for all the rights and services currently enjoyed by American citizens.

Moreover, if an illegal immigrant happens to be a racial or ethnic minority—the vast majority, of course, of illegals are of an ethnic or racial minority—then that individual will be entitled to all the education, employment, and other preferences for minorities that are written into our Federal and State laws as soon as, of course, their legal status is granted. As a result, the DREAM Act would not only put illegal immigrants on par with American citizens but, in many cases, would put them ahead of most American citizens who are not minorities and ahead of legal immigrants as well.

It is not being coldhearted to acknowledge that every dollar spent on an illegal immigrant is $1 less for our own children, for our own seniors, and for all those in our society who have played by the rules, paid taxes, and expected that their government was going to watch out for them and for their needs before bestowing privileges and scarce resources on illegals who have not played by the rules.

Yes, this is the DREAM Act, all right. It is the dream of millions living outside our borders to come to our country by whatever means and partake of the health, education, and other benefits that we can scarcely afford for our own citizens. For us, the citizens and legal immigrants, who have played by the rules, worked hard to build a better home and a better life for our families, this is not the DREAM Act. This is the nightmare act.

I am well aware and appreciate our Nation's immigrant heritage. We have more legal immigration into our country annually than all the other nations of the world combined. And we should be proud of this, proud that we are so generous and open. But we must be honest about how many we can absorb without hurting the lives of our citizens and, yes, those legal immigrants who came here within the boundaries of the law.

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

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. ROHRABACHER. We must oppose policies like the DREAM Act that will serve as a magnet to those who would flock here illegally. I urge my colleagues to reject this attempt to rob our children of their dream and to vote ''no'' on this divisive and irresponsible legislation which will do no more than bring millions more across our borders illegally, only this time, they will make sure they bring their kids. All of them. I ask my colleagues to join me in opposition to this DREAM—nightmare—Act.

Ms. FOXX. Madam Speaker, I am just wondering if the gentleman from Colorado has no speakers or is simply going to keep all his time until after our speakers have spoken.

Mr. POLIS. I have already reserved the balance of my time for you to close. I have no further requests for time.

Ms. FOXX. Madam Speaker, I now would like to yield 1 minute to our distinguished colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, for 4 years, the Democratic majority has promised to fix our broken immigration system. The President promised to pass immigration reform in the first 12 months of his administration. Just another broken promise. Instead of passing meaningful legislation to secure our boarders, to protect our national security and to address the millions of people who are here undocumented living among us, this Congress has refused to do so, Madam Speaker, and now, in the final hours of their majority, they now bring up this bill. Just another example of why the American people overwhelmingly rejected this majority.

Now, on the merits, those who stand to benefit from this bill include thousands of young adults who were raised in our country and really know no other country but America. They simply wish to pursue the American Dream and have the opportunity to study, to work hard, to serve in our Armed Forces. They are exactly the type of people that we want in this United States of America. I, therefore, urge my colleagues to support this legislation today.

Ms. FOXX. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady for yielding.

I rise in opposition to this rule and the bill, H.R. 5281. I agree with some of the presenters before me. It is not a DREAM Act. It's a nightmare act. It's one of those pieces of legislation that if the proponents actually understood the components of it, some of them would peel off, some of them would change their mind, and some of them would wish they could but they're on record and can't.

The nightmare act is amnesty. Now, we need to come to an agreement on what amnesty is. I have long said that to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime. This legislation seeks to reward those who are, under the law, eligible for being sent back to their home countries.

Now, it's everybody that says they came in on the day of their birth until the last day before they turned 16, but

we don't have any way of verifying this. The certification and the background checks are completely impossible. About 50 percent of the people that come into the United States across our southern border don't have a legal existence in their home country, meaning they don't have birth certificates or a track of their life like we normally have here, so it's impossible to do background checks. They can say who they want to say they are. They can propose whatever they want to propose. They can say they were born in the United States or were brought into the United States. And they can say they had done so when they were 15 years old, they could have come into the United States when they were 29 years and a day old and still be eligible under this bill because there is not a way to verify. So this is the thing that is designed to tug at our heartstrings, and it opens the door for amnesty, and it lays the foundation for a whole series of other pieces of amnesty components.

But truthfully, this process is illegitimate. This is a repudiated, rejected 111th Congress. The American people went to the polls in unprecedented numbers, and they voted an unprecedented number of people out of office and put new faces in here. This lame duck session should never be used for a large agenda, and it has already been invalidated. Keep faith with the American people. Lame duck sessions are to provide the functions of government that can't be legitimately provided until the new Congress is gaveled in on January 4.

□ 1750

This process of no committee hearings, no subcommittee hearings, no subcommittee markup, no full committee hearing, no full committee markup, no access to this legislation that has changed four times—there are four different iterations here on the floor—and now a same-day rule up before the Rules Committee that still is the only committee that I know of on the Hill that meets without cameras, without the public presence knowing what is going on up there. I look forward to an open door and sunlight on the Rules Committee.

But this CBO score that they tout as actually a plus for the government ignores that the CBO score says it is a $5 billion deficit spending in the second decade and likely for each decade thereafter. It ignores CIS, the Center for Immigration Services score, which scores the cost to local government, State and local government, at $6.2 billion annually for the cost of providing education to the people that would otherwise be eligible for deportation.

It triples the number of green cards. And it provides safe harbor, safe harbor for ''any alien'' who has a pending application under the DREAM Act. So if someone comes in, they can be 79 years old or 99 years old, they allege that they are younger than that, file the application under the DREAM Act, and now we have to go forward and adjudicate and determine you really weren't 16 or a day before 16 when you came into America, and you really weren't under 30 when you filed this application. But it is certain if this becomes law, there will be people into their late thirties and perhaps into their forties that would be granted citizenship underneath this because it takes that long to process.

There are exemptions for fraud, exemptions that go so far as to reward it in a way that if someone falsely claims citizenship and was deported, they can't be adjudicated under this.

This DREAM Act is an amnesty act, it is a nightmare act, and it must be opposed. There is more to be said in a broader debate, and I hope to engage in that.

Mr. POLIS. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend for the time.

I stand here, Mr. Speaker, in support of the DREAM Act. The time has come for this legislative body to do what is right and to not punish students for the mistakes that their parents have made.

This legislation will give many bright, talented, and patriotic young men and women the opportunity to stay in this country, a country that they love, and to continue their college education or service in our proud military. These young people are motivated and only want the chance to give back to this country, their country.

The DREAM Act is not amnesty. It will allow eligible students to get on a pathway toward permanent legal status later on. Those who receive conditional legal status will not be eligible for Medicaid, food stamps, or any other government services.

This bill is a sensible and pragmatic compromise that reflects the generosity and the goodwill of this country and its citizens, a country that opened up its arms to me as a refugee child and to my parents as Cuban refugees.

The DREAM Act also makes economic sense. I have had the opportunity, Mr. Speaker, to meet with many DREAM Act students, or Dreamers. One of the Dreamers with whom I met is Gaby Pacheco. This remarkable young woman's story emphasizes the urgency and the need for this legislation.

Gaby grew up in my district in south Florida and excelled academically. She graduated from high school third in her class and was student government president at my alma mater, Miami-Dade College, where she received a bachelor's in special ed. She received a scholarship to attend a master's program here in D.C., but she had to go back to Miami to revive her immigration status.

What struck me most about Gaby and the other Dreamers with whom I met is their optimism and their determination to give back to their country. They made it clear, Mr. Speaker, that all they want is an opportunity to prove themselves, no more and no less.

I hope my colleagues will do what is right and help Gaby and the other Dreamers get the chance to pursue their American dream in the American tradition.

Mr. POLIS. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentlelady.

I rise to oppose this rule, Mr. Speaker. What happened to openness and transparency? We are operating here under same day consideration with no opportunity for a motion to recommit. We are in the 11th hour of this Congress, and even if we and even if the American people really had had a chance to read what was in this bill, it doesn't really matter what the seeming requirements are that have been explained here because the bill allows the Secretary of Homeland Security to waive the requirements—to waive the requirements.

Under this bill, any illegal immigrant may apply for an application for cancellation of removal and for conditional non-immigrant status. DHS may not remove any alien who has a pending application for conditional status. This status is valid for 5 years. It can be extended by DHS for another 5 years. All the while, the individual will be allowed to work in the United States and travel outside of the U.S.

With every amnesty, we have had a problem with massive fraud. About one-fourth of those legalized under the 1986 law received amnesty fraudulently. As one former U.S. Citizen and Immigration Service employee told us, the system that exists now can't handle the workload that exists now. There is a backlog now with 3 million people waiting to get their cases decided. What do you think is going to happen when we have millions of new cases on top of that that USCIS has to investigate?

The fact is that right now you can go online and you can buy a fraudulent document. You can buy a fraudulent diploma for $180, along with a fraudulent GED. There is no additional staffing in this bill, no funding to actually authenticate it. The additional personnel necessary to handle the increase in the number of cases is not in this bill.

So how do we prevent the type of fraud we saw in 1986? How do we deal with the fact that since 1986 we have had three times as many illegal immigrants come into the country as a result of passing that amnesty, many of them coming in fraudulently?

Mr. POLIS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Thank you, Congresswoman FOXX.

Mr. Speaker, I have to say that in my five terms here, this has to take the award for the most creatively misleading acronym that I have ever seen attached to a bill. This may constitute a ''dream'' for a small number of people who choose to disregard or disobey the law, but it is in fact a sobering reality for America. It is a stark reality for citizens all over the Nation who have obeyed the law and to whom this is an absolute affront.

It is an affront and a stark reality to middle American families who are struggling to pay their bills and send their children to college, only to find their own sons and daughters bumped aside by illegals in the process. It is an affront and a sobering reality to the American taxpayers and their children and grandchildren who are going to pay this bill to the tune of billions of dollars over the future. It is also a reality to the 10 percent of Americans who are unemployed who realize that the effect on the infrastructure of America in this bill is going to be absolutely negative with respect to Social Security benefits, jobs, loans, health care, education and otherwise. I would suggest to you, Mr. Speaker, that our national infrastructure simply can't afford this.

I respect the sponsors of this bill. In fact, my good friend and colleague from Illinois, Congressman GUTIERREZ, is one of the principal movers of this bill. I respect the sincerity of the sponsors. But this is very bad public policy for America, and I would suggest to you that the long-run benefits are far overwhelmed and overrun by what it is going to cost the American taxpayer and what it is going to cost us who believe in the rule of law.

□ 1800

Mr. POLIS. I continue to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, in closing, I really appreciate all of my colleagues coming over and making the points that they made. I want to tie into Mr. JOHNSON's comments, particularly about the rule of law.

You know, we are all, again, sympathetic to the young people who find themselves here illegally, having been brought here by their parents. We are sympathetic to that. But their parents left a place that was not as good a place to live as the United States, and the foundation of what makes us a great country is the rule of law. And if we let the rule of law be undermined, then we will be no better than the places that they have escaped from.

I agree with Mr. JOHNSON, also, that this bill is very misleading. I would like to point out something that's been said by the proponents of this bill that isn't accurate.

DREAM Act supporters would have you believe illegal aliens who don't go to college will earn citizenship through service in the United States Armed Forces. However, we already have legislation that will allow that to happen. We don't need the DREAM Act to do that, Mr. Speaker. If people want to enroll in the Armed Forces, they generally can become naturalized citizens through expedited processing, often obtaining their citizenship in 6 months. So we don't need the DREAM Act for that.

Mr. Speaker, again, as my colleagues have pointed out, this bill has not been properly reviewed by any of the five House committees with jurisdiction. This abuse of regular order makes it impossible for Members of Congress and their constituents to review properly and consider legislation prior to a vote. Making substantial changes to our laws through proposals which have not been appropriately vetted and forcing a vote in a lame duck session are both reckless and irresponsible.

Adding insult to injury, earlier today the House passed a martial law rule. Under martial law, the Democrat majority can bring up any bill at any time through December 18 with very little notice. This practice not only perpetuates the chaos that's consumed the Democrat majority, but is a colossal disservice to the people we are elected to serve.

Mr. Speaker, we need to deal with the people who are here illegally, and most of us want to do that, but this is not the way to do it. We need to secure our borders. And once we secure the borders, then we can deal with all the other issues related to those who are here illegally.

With that, Mr. Speaker, I urge my colleagues to vote ''no'' on the rule, vote ''no'' on the bill, and I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, those who oppose the DREAM Act support the ongoing presence of over 500,000 more illegal immigrants within our borders. Opponents of the DREAM Act make a travesty of the rule of law and facilitate the ongoing presence of undocumented foreign nationals inside our country which so frustrates our States and cities.

Let me end by simply relating this to common sense. If you are pulled over for a speeding ticket and you have a child in a car seat next to you, that 2-year-old doesn't get a speeding ticket. If there is a bank robber who robs it with a toddler on their back, that toddler doesn't spend a life in prison.

I will end with a quote from Deuteronomy 24:16: ''Fathers shall not be put to death for their sons, nor shall sons be put to death for their fathers' sins.''

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

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the resolution.

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

Ms. FOXX. 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, further proceedings on this question will be postponed.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the motion offered by the gentleman from Wisconsin (Mr. OBEY) on the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1755, the previous question is ordered.

The question is on the motion by the gentleman from Wisconsin (Mr. OBEY).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion offered by the gentleman from Wisconsin will be followed by 5-minute votes on adopting House Resolution 1756, and suspending the rules and passing S. 3998, if ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 206, not voting 16, as follows:

[Roll No. 622]

YEAS—212

Ackerman	Davis (AL)	Hill
Altmire	Davis (CA)	Himes
Andrews	Davis (IL)	Hinchey
Baca	DeFazio	Hinojosa
Baldwin	DeGette	Hirono
Barrow	DeLauro	Hodes
Bean	Deutch	Holden
Becerra	Dicks	Holt
Berkley	Dingell	Honda
Berman	Doggett	Hoyer
Bishop (GA)	Donnelly (IN)	Inslee
Bishop (NY)	Doyle	Israel
Blumenauer	Edwards (MD)	Jackson (IL)
Boswell	Edwards (TX)	Jackson Lee (TX)
Boucher	Ellison	Johnson (GA)
Boyd	Ellsworth	Johnson, E. B.
Brady (PA)	Engel	Kagen
Braley (IA)	Eshoo	Kanjorski
Brown, Corrine	Etheridge	Kaptur
Butterfield	Fattah	Kennedy
Capps	Filner	Kildee
Capuano	Foster	Kilroy
Carnahan	Frank (MA)	Kind
Carney	Fudge	Kissell
Carson (IN)	Garamendi	Klein (FL)
Castor (FL)	Gonzalez	Kosmas
Chandler	Gordon (TN)	Larsen (WA)
Chu	Grayson	Larson (CT)
Clarke	Green, Al	Lee (CA)
Clay	Green, Gene	Levin
Cleaver	Grijalva	Lewis (GA)
Clyburn	Gutierrez	Loebsack
Connolly (VA)	Hall (NY)	Lofgren, Zoe
Conyers	Halvorson	Lowey
Cooper	Hare	Luján
Critz	Harman	Lynch
Crowley	Hastings (FL)	Maloney
Cuellar	Heinrich	Markey (CO)
Cummings	Herseth Sandlin	Markey (MA)
Dahlkemper	Higgins	

Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Yarmuth

NAYS—206

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

NOT VOTING—16

Berry
Bilbray
Blunt
Cohen
Davis (TN)
Delahunt
Fallin
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Radanovich
Wu

□ 1834

Messrs. SCHOCK and RAHALL changed their vote from ''yea'' to ''nay.''

Messrs. ELLSWORTH, CONYERS, Ms. LEE of California, Messrs. SCOTT of Virginia and ELLISON changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was unable to attend to the following votes. Had I been present, I would have voted ''aye'' on rollcall numbers 611, 612, 613, 614, 615, 616, 617, 618, ''aye'' on final passage of H. Res. 1752, ''aye'' on final passage of H.R. 4501 and ''aye'' on final passage of H.R. 3082.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5281, DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the resolution (H. Res. 1756) providing for consideration of the Senate amendments to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, 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 resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 211, nays 208, not voting 15, as follows:

[Roll No. 623]

YEAS—211

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

NAYS—208

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Critz
Culberson
Dahlkemper
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
Matheson
McCarthy (CA)

McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rahall
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (OH)
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Stupak
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Berry
Bilbray
Blunt
Cohen
Delahunt
Fallin
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Radanovich
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1844

Mr. MINNICK changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3998) to extend the Child Safety Pilot Program.

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.

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. YARMUTH. 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 401, noes 2, not voting 30, as follows:

[Roll No. 624]

AYES—401

Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
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
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
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
Graves (GA)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
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
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
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
Yarmuth
Young (FL)

NOES—2

Paul
Young (AK)

NOT VOTING—30

Aderholt
Berry
Bilbray
Bishop (UT)
Blunt
Cardoza
Cohen
Cole
Davis (AL)
Delahunt
Ehlers
Fallin
Gordon (TN)
Granger
Griffith
Gutierrez
Kaptur
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
McMorris Rodgers
Mollohan
Owens
Pomeroy
Radanovich
Rohrabacher
Serrano
Tiberi
Woolsey
Wu

□ 1851

Mr. JOHNSON of Illinois changed his vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT OF 2010

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 1756, I call up the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. DRIEHAUS). The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting ''that is'' after ''or criminal prosecution'';

(B) by inserting ''and that is'' after ''in a State court''; and

(C) by inserting ''or directed to'' after ''against''; and

(2) by adding at the end the following:

''(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.''.

(2) On page 3, strike lines 4 through 19 and insert the following:

''(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.''.

(3) On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. 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 Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MOTION TO CONCUR

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

The text of the motion is as follows:

Mr. CONYERS moves that the House concur in Senate amendments numbered 1 and 2, and concur in Senate amendment numbered 3 with an amendment.

The text of the amendment is as follows:

Amendment:

At the end of the matter proposed to be inserted by the Senate amendment numbered 3, add the following:

SEC. 4. SHORT TITLE.

Notwithstanding section 1, sections 5 through 16 of this Act may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2010'' or the ''DREAM Act of 2010''.

SEC. 5. DEFINITIONS.

In this section and sections 6 through 16 of this Act:

(1) IN GENERAL.—Except as otherwise specifically provided, a term used in this section and section 6 through 16 of this Act that is used in the immigration laws shall have the meaning given such term in the immigration laws.

(2) ARMED FORCES.—The term ''Armed Forces'' has the meaning given the term ''armed forces'' in section 101(a) of title 10, United States Code.

(3) CONDITIONAL NONIMMIGRANT.—

(A) DEFINITION.—The term ''conditional nonimmigrant'' means an alien who is granted conditional nonimmigrant status under this Act.

(B) DESCRIPTION.—A conditional nonimmigrant—

(i) shall be considered to be an alien within a nonimmigrant class for purposes of the immigration laws;

(ii) may have the intention permanently to reside in the United States; and

(iii) is not required to have a foreign residence which the alien has no intention of abandoning.

(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002), except that the term does not include an institution of higher education outside the United States.

SEC. 6. CANCELLATION OF REMOVAL OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this section and sections 7 through 16 of this Act, the Secretary of Homeland Security may cancel removal of an alien who is inadmissible or deportable from the United States, and grant the alien conditional nonimmigrant status, if the alien demonstrates by a preponderance of the evidence that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of the enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date the alien initially entered the United States;

(C) subject to paragraph (2), the alien—

(i) is not inadmissible under paragraph (1), (2), (3), (4), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) is not deportable under paragraph (1)(E), (1)(G), (2), (4), (5), or (6) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(iii) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(iv) has not been convicted of—

(I) any offense under Federal or State law punishable by a maximum term of imprisonment of more than 1 year; or

(II) 3 or more offenses under Federal or State law, for which the alien was convicted on different dates for each of the 3 offenses and sentenced to imprisonment for an aggregate of 90 days or more;

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) WAIVER.—With respect to any benefit under this section and sections 7 through 16 of this Act, the Secretary of Homeland Security may waive the ground of inadmissibility under paragraph (1), (4), or (6) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) and the ground of deportability under paragraph (1) of section 237(a) of that Act (8 U.S.C. 1227(a)) for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) SURCHARGE.—The Secretary of Homeland Security shall charge and collect a surcharge of $525 per application on all applications for relief under this subsection. Such surcharge shall be in addition to the otherwise applicable application fee imposed for the purpose of recovering the full costs of providing adjudication and processing services. Notwithstanding any other provision of law, including section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), any surcharge collected under this paragraph shall be deposited as offsetting receipts in the General Fund of the Treasury and shall not be available for obligation or expenditure.

(5) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal and conditional nonimmigrant status under this subsection no later than the date that is 1 year after the later of—

(A) the date the alien earned a high school diploma or obtained a general education development certificate in the United States; or

(B) the effective date of the interim regulations under subsection (d).

(6) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not cancel the removal of an alien or grant conditional nonimmigrant status to the alien under this subsection unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(7) BACKGROUND CHECKS.—

(A) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines is appropriate—

(i) to conduct security and law enforcement background checks of an alien seeking relief available under this subsection; and

(ii) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such relief.

(B) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by subparagraph (A) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary cancels the removal of the alien under this subsection.

(8) MEDICAL EXAMINATION.—An alien applying for relief available under this subsection shall undergo a medical observation and examination. The Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, shall prescribe policies and procedures for the nature and timing of such observation and examination.

(9) MILITARY SELECTIVE SERVICE.—An alien applying for relief available under this subsection shall establish that the alien has registered under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), if the alien is subject to such registration under that Act.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under subsection (a) shall not terminate when the

alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—

(1) IN GENERAL.—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) REGULATIONS.—

(1) INITIAL PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall publish regulations implementing this section.

(2) INTERIM REGULATIONS.—Notwithstanding section 553 of title 5, United States Code, the regulations required by paragraph (1) shall be effective, on an interim basis, immediately upon publication but may be subject to change and revision after public notice and opportunity for a period of public comment.

(3) FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(e) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who—

(1) has a pending application for conditional nonimmigrant status under this Act; and

(2) establishes prima facie eligibility for cancellation of removal and conditional nonimmigrant status under subsection (a).

SEC. 7. CONDITIONAL NONIMMIGRANT STATUS.

(a) LENGTH OF STATUS.—Conditional nonimmigrant status granted under section 6 shall be valid for an initial period of 5 years, subject to termination under subsection (c) of this section.

(b) TERMS OF CONDITIONAL NONIMMIGRANT STATUS.—

(1) EMPLOYMENT.—A conditional nonimmigrant shall be authorized to be employed in the United States incident to conditional nonimmigrant status.

(2) TRAVEL.—A conditional nonimmigrant may travel outside the United States and may be admitted (if otherwise admissible) upon return to the United States without having to obtain a visa if—

(A) the alien is the bearer of valid, unexpired documentary evidence of conditional nonimmigrant status; and

(B) the alien's absence from the United States was not for a period exceeding 180 days.

(c) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional nonimmigrant status of any alien if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 6(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the Armed Forces.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional nonimmigrant status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional nonimmigrant status.

(d) EXTENSION OF STATUS.—

(1) ELIGIBILITY.—The Secretary of Homeland Security shall extend the conditional nonimmigrant status of an alien for a second period of 5 years if the following requirements are met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional nonimmigrant.

(B) The alien is in compliance with section 6(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. For purposes of this subparagraph—

(i) the Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional nonimmigrant status, unless the alien demonstrates that the alien has not abandoned the alien's residence; and

(ii) an alien who is absent from the United States due to active service in the Armed Forces has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien—

(i) has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) has served in the Armed Forces for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) SURCHARGE.—The Secretary of Homeland Security shall charge and collect a surcharge of $2,000 per application on all applications for an extension under this subsection. Such surcharge shall be in addition to the otherwise applicable application fee imposed for the purpose of recovering the full costs of providing adjudication and processing services. Notwithstanding any other provision of law, including section 286 of the Immigration and Nationality Act (8 U.S.C. 1356), any surcharge collected under this paragraph shall be deposited as offsetting receipts in the General Fund of the Treasury and shall not be available for obligation or expenditure.

(3) HARDSHIP EXCEPTION.—The Secretary of Homeland Security may, in the Secretary's discretion, extend the conditional nonimmigrant status of an alien if the alien—

(A) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(B) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(C) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

SEC. 8. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—A conditional nonimmigrant may file with the Secretary of Homeland Security, in accordance with subsection (c), an application to have the alien's status adjusted to that of an alien lawfully admitted for permanent residence. The application shall provide, under penalty of perjury, the facts and information so that the Secretary may make the determination described in subsection (b)(1).

(b) ADJUDICATION OF APPLICATION FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—If an application is filed in accordance with subsection (a) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in paragraphs (1) through (4) of subsection (d).

(2) ADJUSTMENT OF STATUS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and adjust the alien's status to that of an alien lawfully admitted for permanent residence, effective as of the date of approval of the application.

(3) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional nonimmigrant status of the alien as of the date of the determination.

(c) TIME TO FILE APPLICATION.—An alien shall file an application for adjustment of status during the period beginning 1 year before and ending on either the date that is 10 years after the date of the initial grant of conditional nonimmigrant status or any other expiration date of the conditional nonimmigrant status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed to be in conditional nonimmigrant status in the United States during the period in which such application is pending.

(d) CONTENTS OF APPLICATION.—Each application for an alien under subsection (a) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(1) The alien has demonstrated good moral character during the entire period the alien has been a conditional nonimmigrant.

(2) The alien is in compliance with section 6(a)(1)(C).

(3) The alien has not abandoned the alien's residence in the United States. For purposes of this paragraph—

(A) the Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 730 days, in the aggregate, during the period of conditional nonimmigrant status, unless the alien demonstrates that the alien has not abandoned the alien's residence; and

(B) an alien who is absent from the United States due to active service in the Armed Forces has not abandoned the alien's residence in the United States during the period of such service.

(4) If previously granted a hardship exception under section 7(d)(3) from the requirements of section 7(d)(1)(D) with respect to extension of conditional nonimmigrant status, the alien has subsequently complied with such requirements, unless the alien is granted a hardship exception with respect to adjustment of status under the criteria described in section 7(d)(3).

(e) CITIZENSHIP REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the status of a conditional nonimmigrant shall not be adjusted to permanent resident status unless the alien demonstrates that the alien satisfies the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(2) EXCEPTION.—Paragraph (1) shall not apply to an alien who is unable because of a physical or developmental disability or mental impairment to meet the requirements of such paragraph.

(f) PAYMENT OF FEDERAL TAXES.—

(1) IN GENERAL.—Not later than the date on which an application is filed under subsection (a) for adjustment of status, the alien shall satisfy any applicable Federal tax liability due and owing on such date.

(2) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of paragraph (1), the term ''applicable Federal tax liability'' means liability for Federal taxes imposed under the Internal Revenue Code of 1986, including any penalties and interest thereon.

(g) SUBMISSION OF BIOMETRIC AND BIOGRAPHIC DATA.—The Secretary of Homeland Security may not adjust the status of an alien under this section unless the alien submits biometric and biographic data, in accordance with procedures established by the Secretary. The Secretary shall provide an alternative procedure for applicants who are unable to provide such biometric or biographic data because of a physical impairment.

(h) BACKGROUND CHECKS.—

(1) REQUIREMENT FOR BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize biometric, biographic, and other data that the Secretary determines appropriate—

(A) to conduct security and law enforcement background checks of an alien applying for adjustment of status under this section; and

(B) to determine whether there is any criminal, national security, or other factor that would render the alien ineligible for such adjustment of status.

(2) COMPLETION OF BACKGROUND CHECKS.—The security and law enforcement background checks required by paragraph (1) shall be completed, to the satisfaction of the Secretary, prior to the date the Secretary grants adjustment of status.

(i) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section or in any other law may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status under this section.

(j) ELIGIBILITY FOR NATURALIZATION.—An alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence may be naturalized upon compliance with all the requirements of the immigration laws except the provisions of paragraph (1) of section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)), if such person immediately preceding the date of filing the application for naturalization has resided continuously, after being lawfully admitted for permanent residence, within the United States for at least 3 years, and has been physically present in the United States for periods totaling at least half of that time and has resided within the State or the district of U.S. Citizenship and Immigration Services in the United States in which the applicant filed the application for at least 3 months. An alien described in this subsection may file the application for naturalization as provided in the second sentence of subsection (a) of section 334 of the Immigration and Nationality Act (8 U.S.C. 1445).

SEC. 9. TREATMENT OF ALIENS MEETING REQUIREMENTS FOR EXTENSION OF CONDITIONAL NONIMMIGRANT STATUS.

If, on the date of the enactment of this Act, an alien has satisfied all the requirements of section 6(a)(1) and section 7(d)(1)(D), the Secretary of Homeland Security may cancel removal and grant conditional nonimmigrant status in accordance with section 6, and may extend conditional nonimmigrant status in accordance with section 7(d). The alien may apply for adjustment of status in accordance with section 8(a) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 7(d)(1) during the entire period of conditional nonimmigrant status.

SEC. 10. EXCLUSIVE JURISDICTION.

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under sections 6 through 16 of this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for cancellation of removal and conditional nonimmigrant status or adjustment of status under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act. If the Secretary grants relief under sections 6 through 16 of this Act, the final order of deportation, exclusion, or removal shall be terminated.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—

(1) IN GENERAL.—The Attorney General shall stay the removal proceedings of any alien who—

(A) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 6(a)(1);

(B) is at least 12 years of age; and

(C) is enrolled full-time in a primary or secondary school.

(2) ALIENS NOT IN REMOVAL PROCEEDINGS.—For aliens who are not in removal proceedings, the Secretary of Homeland Security shall not commence such proceedings with respect to the alien if the alien meets the requirements of subparagraphs (A) through (C) of paragraph (1).

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b)(1) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b)(1) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of such subsection.

SEC. 11. PENALTIES FOR FALSE STATEMENTS.

Whoever files an application for any benefit under sections 6 through 16 of this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

SEC. 12. CONFIDENTIALITY OF INFORMATION.

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by an individual pursuant to an application filed under sections 6 through 16 of this Act to initiate removal proceedings against any person identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under sections 6 through 16 of this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of an application filed under sections 6 through 16 of this Act with a designated entity, that designated entity, to examine such application filed under such sections.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under sections 6 through 16 of this Act, and any other information derived from such furnished information, to—

(1) a Federal, State, tribal, or local law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution, a background check conducted pursuant to the Brady Handgun Violence Protection Act (Public Law 103–159; 107 Stat. 1536) or an amendment made by that Act, or for homeland security or national security purposes, if such information is requested by such entity or consistent with an information sharing agreement or mechanism; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) FRAUD IN APPLICATION PROCESS OR CRIMINAL CONDUCT.—Notwithstanding any other provision of this section, information concerning whether an alien seeking relief under sections 6 through 16 of this Act has engaged in fraud in an application for such relief or at any time committed a crime may be used or released for immigration enforcement, law enforcement, or national security purposes.

(d) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 13. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who is granted conditional nonimmigrant status or lawful permanent resident status under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts D and E of such title IV (20 U.S.C. 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 14. TREATMENT OF CONDITIONAL NONIMMIGRANTS FOR CERTAIN PURPOSES.

(a) IN GENERAL.—An individual granted conditional nonimmigrant status under this Act shall, while such individual remains in such status, be considered lawfully present for all purposes except—

(1) section 36B of the Internal Revenue Code of 1986 (concerning premium tax credits), as added by section 1401 of the Patient Protection and Affordable Care Act (Public Law 111–148); and

(2) section 1402 of the Patient Protection and Affordable Care Act (concerning reduced cost sharing; 42 U.S.C. 18071).

(b) FOR PURPOSES OF THE 5-YEAR ELIGIBILITY WAITING PERIOD UNDER PRWORA.—An individual who has met the requirements under this Act for adjustment from conditional nonimmigrant status to lawful permanent resident status shall be considered, as of the date of such adjustment, to have completed the 5-year period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613).

SEC. 15. MILITARY ENLISTMENT.

Section 504(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) An alien who is a conditional nonimmigrant (as that term is defined in section 5 of the DREAM Act of 2010).''.

SEC. 16. GAO REPORT.

Not later than 7 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and grant of conditional nonimmigrant status under section 6(a);

(2) the number of aliens who applied for cancellation of removal and grant of conditional nonimmigrant status under section 6(a);

(3) the number of aliens who were granted conditional nonimmigrant status under section 6(a); and

(4) the number of aliens whose status was adjusted to that of an alien lawfully admitted for permanent residence under section 8.

The SPEAKER pro tempore. Pursuant to House Resolution 1756, the motion shall be debatable for 1 hour equally divided and controlled by the chair and the ranking minority member of the Committee on the Judiciary.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Speaker, ladies and gentlemen of the House, I have heard so much misinformation about the DREAM Act that I hardly know where to begin. First of all, this is not a new bill. It has existed for a decade. It is a bipartisan bill to address the plight of children who were brought to the United States as undocumented immigrants and grew up here.

And this bill has been introduced in every Congress, starting on May 21, 2001, there was a hearing. The Senate, the other body, heard a hearing on the bill, August 1, it was started out. In 2003, April 19, the bill was reintroduced by our colleague from California (Mr. BERMAN). On July 31, it was again reintroduced into the Senate. On April 6, our colleagues on the other side of the aisle introduced the bill. November 18, 2005, a Senator from Illinois introduced the bill. I've got two pages of bills. We have had five hearings.

So for anybody to say there hasn't been due process on this bill, I hope they feel gently corrected by the research that my staff has done to make it clear that there has been an extensive legislative history on this bill.

Now, the second thing that I've heard so much about is that the DREAM Act is not very popular. And again, we rushed to our research and we found that the bill is very popular. Most Americans support the DREAM Act. Poll after poll, the majority of Americans approve of the DREAM Act, and there will be more information coming from this.

Now, the next thing that we ought to really settle down and accept as fact is that the DREAM Act will not take jobs from Americans. The reason that is pretty clear is that all the major unions in America support and endorse the DREAM Act, and they're doing it because it's not taking jobs away from their members—AFL, SEIU, UNITE HERE, UAW, NEA, AFT, and others.

So now that we have some of this cleared up, the next thing I would like to point out is that there are requirements. These are not illegals. These are undocumented kids. They didn't commit a criminal act. They thought they were born here to begin with. Their parents brought them here.

□ 1900

Look, the conditions are so, so voluminous. First of all, the only people eligible are children brought here to the United States, and they have to be less than 29 years old to even qualify. They must have lived in the United States at least for 5 years. They must have graduated from an American high school or be admitted to an institution of higher education, and they must submit biometric information and complete security and law enforcement background checks.

So this is a very rigorous bill. And the last piece of doggerel that I should get rid of is the fact that you can go into the United States military real quickly and be processed as a citizen. Not true. As a matter of fact, you cannot join the military if you are an undocumented person. Yes, that's right.

So now that we've got some of the misunderstanding out of the way, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I oppose this bill. The DREAM Act is a nightmare for the American people. It insults American workers, American taxpayers, and anyone who believes in the rule of law. How can we consider amnesty for millions of illegal immigrants when just last Friday, the Department of Labor reported that unemployment in America jumped up to 9.8 percent? This is the 19th straight month, a new record where the jobless rate has stayed above 9 percent.

The American people want us to focus on creating jobs and getting Americans back to work. Instead, the Democrats have brought the DREAM Act to the floor. This bill prevents Americans from getting jobs since millions of illegal immigrants will become eligible to work legally in the United States. American workers should not have to compete with illegal workers for scarce jobs.

Over 27 million Americans are out of work, have given up looking for work, or are underemployed. The percent of Hispanics out of work last month rose to 13 percent, and the unemployment rate for black Americans has hit 16 percent. Don't the Democrats know this? Are they listening to the voters? Do they care? This bill proves that there is a total disconnect between the Democratic Party and the American people.

The majority has brought this bill to the floor without holding any hearings on its impact and without committee approval, so Members don't know how the bill would work or not work. In fact, the text we are considering tonight was only introduced last night.

As usual under the Democratic regime, no amendments are allowed. They have even eliminated the one motion Republicans are supposedly guaranteed as a way to address the people's concerns, the motion to recommit. What happened to the Democrats' promise to give Americans 24 hours to read the bills? And what happened to their promise of an open and fair process? These and other promises disappeared long before the election, which is another reason the election turned out as it did.

The bill's supporters imply that the DREAM Act only applies to kids in schools. But in reality, the bill applies to illegal immigrants up to the age of 30. Those are pretty old kids. And once these individuals become U.S. citizens, they can petition for their illegal immigrant parents and adult brothers and sisters to be legalize who will bring in others in an endless chain.

According to the Migration Policy Institute, the DREAM Act would mean amnesty for over 2 million illegal immigrants, but that number likely will be higher since many illegal immigrants will fraudulently claim they came here as children or are under 30, and the Federal Government has no way to check whether their claims are true or not. Such massive fraud occurred after the 1986 amnesty for illegal immigrants who claimed that they were agricultural workers. Studies found two-thirds of all applications for the 1986 amnesty were fraudulent. DREAM Act applicants don't even have to comply with the requirements for amnesty set out in the bill. They can get a waiver for hardship at the discretion of the Department of Homeland Security. Under this administration, which favors mass amnesty, we can assume that nearly everyone who applies will get a hardship pass.

The DREAM Act also makes it possible for almost any illegal immigrant to evade the law. Once they file an application, no matter how fraudulent, the Federal Government is prohibited from deporting them. The bill requires that background checks be conducted on the beneficiaries, but it will be almost impossible for the Federal Government to verify whether someone is who they say they are and whether they meet the requirements of the bill. Furthermore, any discussion of amnesty encourages additional illegal immigration. Already at least 1 million illegal immigrants cross our borders each year. The bill will push that number even higher.

The Congressional Budget Office estimates that the bill will increase deficits after 2020. And if the health care debate is any indication of how CBO scores bills, then the actual cost of the DREAM Act will, of course, be much higher. And once a DREAM Act beneficiary obtains lawful status, they are automatically exempt from the current 5-year waiting period to receive public welfare benefits, so the cost of welfare benefits will be huge.

We all know that the point of this bill is to give amnesty to anyone who is in the country illegally and who is under 30 years old. Illegal immigrants get amnesty if they have attended college or served in the military. Illegal immigrants get amnesty if they can show hardship if they are sent home. Illegal immigrants get to stay if they just claim to be eligible under this legislation. Illegal immigrants get amnesty if they use fraudulent documents, because the Federal Government has no way to check millions of claims. Illegal immigrants get amnesty even if they have committed crimes, like driving under the influence, passport fraud, and visa fraud. This is a bill that gives amnesty to 2 million or more people in the country illegally. It encourages fraud and more illegal immigration on a massive scale.

There have been no hearings on this bill, no amendments allowed, and those who are opposed only have 30 minutes to discuss this bill. This is a desecration of the democratic process and an insult to Americans who believe in the rule of law. The DREAM Act hurts millions of Americans who have lost their jobs, are underemployed, or are threatened with layoffs. It puts the interests of illegal immigrants ahead of those law-abiding Americans.

Mr. Speaker, I urge my colleagues to strongly oppose this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield to the distinguished gentleman from Arizona for a unanimous consent request.

(Mr. PASTOR of Arizona asked and was given permission to revise and extend his remarks.)

Mr. PASTOR of Arizona. Mr. Speaker, I rise in strong support of H.R. 5281.

Mr. Speaker, I rise today to urge passage of H.R. 5281, the Development, Relief and Education for Alien Minors, DREAM, Act.

The DREAM Act would create a pathway to citizenship for undocumented young people, who were brought to the U.S. as children, raised in this country, have excelled in our education systems, and have expressed a clear commitment to pursue higher education or military service. Many of these young people currently live in Arizona's Fourth Congressional district, and under this bill, these bright and ambitious individuals will receive the opportunity to reap the full benefits of their educational advancements and military service by eventually obtaining legal citizenship.

Such an achievement is advantageous not only for these young people and their families, but for our communities and our Nation as a whole. It is largely known that over a lifetime, a million-dollar difference exists between the earning capacity of a high school graduate and a college graduate. Research also shows that college graduates are more likely to volunteer and participate in their communities, and are less likely to be incarcerated or be recipients of public assistance. The earning power of college graduates also translates into important tax revenues for our Federal, State, and local treasuries, a point particularly poignant during this time of large deficits.

The DREAM Act has received support from the Secretaries of Defense, Homeland Security, Education, and Labor. Secretary Gates has offered his endorsement of the proposal which would provide children of non-resident immigrants a clear path to U.S. citizenship through military service. We know the sacrifice asked of our service members and their families, and if these individuals are willing to make such a commitment, we should honor their decision by extending full citizenship rights. In considering the Department of Defense's challenges with recruitment and readiness, passage of the DREAM Act would ensure access to a new pool of eligible youth, ready to serve the U.S. military and wear its respective uniforms.

Passage of the DREAM Act will reward the good decisions of many young people in my district, individuals who are placing their education at the forefront of their responsibilities, and who possess strong values beneficial to our Arizona communities and neighborhoods. As a body of Members who have collectively attained a high degree of education, we know the benefits we have received from our hard work and dedication. We must support legislation which rewards the same characteristics of diligence and commitment, allowing these young people to fully benefit, as U.S. citizens, from their accomplishments.

I know students in my district who have been patiently waiting for passage of the DREAM Act. I truly am honored to represent this group of intelligent and driven young people, as I know their character and their desire to not only better their futures and that of their families, but also this Nation; a country in which they acknowledge has befitted them with great opportunities. I am confident these young people, through their intellectual contributions and military service, will continue to give back to a Nation they love so dearly and call their own.

I ask my Colleagues to join me in supporting the important passage of H.R. 5281, the Development, Relief and Education for Alien Minors, DREAM, Act.

Mr. CONYERS. Mr. Speaker, I yield to SHELLEY BERKLEY of Nevada for a unanimous consent request.

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. I rise in enthusiastic support of this legislation.

Every year my office receives dozens of calls in May from youngsters 17–18 years old. They have recently graduated from local high schools, been accepted to college—many at UNLV applied for a millennium scholarship, available in Nevada to the best and brightest of our Nevada high school graduates. According to state law they have to demonstrate proof of citizenship. They go home, ask their parents for their birth certificate—then they learn the truth—when they were 6 months, 1 year, 2 years old—their parents came over the border and brought their child with them.

Now, 18 years later, these children are Americans. They think like Americans, live like Americans, speak like Americans; were educated in our schools side by side with our children, they know no other country, they did nothing wrong, they have broken no law intentionally.

We American taxpayers have invested a great deal in these youngsters. Our tax dollars have helped educate them. They are smart, talented, hardworking Americans, ambitious, just the kind of people we want and we need for the future of our own beloved country.

Others are willing to don the uniform of our Nation and fight for us in Iraq and Afghanistan—brave, strong men and women—the very kind of people we want and we need for the future of this country.

Let us pass this bill and provide a path to citizenship for the best and the brightest of our youngsters, those willing to volunteer to fight and possibly die for the United States of America. Let us share the American dream with these youngsters who have no other Dream but ours.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days 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. CONYERS. I now yield 1½ minutes to the distinguished gentlelady from California, Zoe Lofgren, who has worked for years on this legislation, a senior member of the Judiciary Committee.

Ms. ZOE LOFGREN of California. Mr. Speaker, the Immigration Subcommittee, which I chair, held 17 hearings in 2007 to examine every aspect of immigration reform, and one of the most memorable in the series of hearings was the hearing on the plight of undocumented young people who have been brought to the United States as children, including Tam Tran, then a Ph.D. candidate at UCLA who tragically later lost her life in an auto accident. They grew up in the United States, attended American high schools, often knowing no other country as home, no language other than English, yet they were faced with a dead end once they graduated from high school. Their immigration status prevented them from working, paying taxes, serving in the military. They could never get right with the law, even though they had done nothing wrong. The only thing they had done was to obey their parents.

The DREAM Act would allow these young people to apply for conditional immigration status with a series of conditions and would allow these young people to step forward, register, pay their taxes, get right with the law, and contribute to this wonderful country.

□ 1910

You know, we hear a lot about the rule of law. I think it is worth remembering that we write the laws in this

country, and we need to address this issue. The Congressional Budget Office tells us that this bill, if we pass it, will increase revenues by $1.7 billion.

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

Mr. CONYERS. I yield the gentlewoman an additional 10 seconds.

Ms. ZOE LOFGREN of California. We will have a $2.2 billion deficit reduction over the next 10 years. So we can do the right policy and also have the right fiscal impact by passing this bill. I recommend that we help these innocent children who did nothing wrong.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Texas for yielding.

I rise in opposition to this bill, to this bill that has a nice name. But it is really not a dream; it is a nightmare. It is a nightmare to the rule of law.

As the gentlewoman from California said, we do write the laws in this country, and we have written the laws that limit people from coming into the United States illegally. And it seems to be forgotten that under even this legislation that is proposed, someone who is one day short of their 16th birthday could sneak across the border in the United States, claim they were here for 5 years, they could go on a Web site, how about www.diplomacompany.com, get themselves a GED, and qualify for the DREAM Act if they were just accepted into a tech school, to, say, go to barber school or plumber school. That is kind of the minimum.

And it isn't they are doing this on their 16th birthday. They can do so the day before their 30th birthday. They can lie about their age. The comments about there being biometric information and a background check, we can't do background checks on people that don't have a legal existence in their own country. About half of the people that are born south of the border don't have a birth certificate, unless they were born in a hospital. It is about 50–50, which means no legal existence. There is not a way to do a background check.

The score on this, the cost, is a lot higher than the proponents would like to admit. They argue it is a marginal savings. It also says in the same CBO score that in the second decade it is estimated at $5 billion, and likely $5 billion for each decade after that. That is probably not a big deal in the context of this spending, Mr. Speaker, but it is a big deal when you look at the Center for Immigration Studies' score, a cost to local government at $6.2 billion. That is every year; at least the first couple of years they have estimated this.

It triples the number of green cards, it provides safe harbor for those who file for a number of things, and ties up our courts and our litigation system that we have. There is an exemption for even fraud against immigration laws in the United States.

So what we really have is this scenario, this scenario, Mr. Speaker. This is the moral and ethical conundrum that cannot be reconciled by anybody in this Chamber, or anybody in this country, for that matter.

When you have the recipients of the DREAM Act, should this become law, sitting in a classroom, a community college, a university, being the beneficiaries of a de facto scholarship, and in California it is free, no tuition for a California resident, and next to them at a desk will be a husband or a wife who is aggrieved, having lost their spouse fighting for our liberty in Iraq or Afghanistan, paying out-of-state tuition, in California $22,021 a year, paying out-of-state tuition for defending our rule of law, while someone who is being rewarded for breaking it is getting free tuition.

That is just California. In Iowa, it is a little different. It is about a three-to-one break, in-state versus out-of-state. That is what this necessarily brings.

If you support this nightmare DREAM Act, you are actually supporting an ''affirmative action amnesty act'' that rewards people for breaking the law and punishes those who defend America.

Mr. CONYERS. Mr. Speaker, I yield myself 1 minute to explain how the biometric business works to my good friend on the Judiciary Committee.

See, that is fingerprints and eye scans, and the FBI uses it, and they are pretty foolproof.

The people that you are talking about that go back and come forward, these kids, Steve, grew up in America. That is where they started. They haven't been anywhere else. You come here as a kid and you can't qualify. So there are records. They went to school, they did something, they lived somewhere. So there are records, and you don't have to go back to wherever their parents may have come from to do it.

I yield to the gentleman from Pennsylvania, Chaka Fattah, for a unanimous consent request.

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

Mr. FATTAH. Let me thank the distinguished chairman.

I rise in support of the DREAM Act.

Mr. CONYERS. I yield to the gentleman from Illinois, DANNY DAVIS, for the purpose of making a unanimous consent request.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. I rise in strong support of H.R. 1751, the America DREAM Act.

Mr. CONYERS. I yield 45 seconds to the distinguished gentlewoman from Houston, Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, to my friends on the other side of the aisle, these children have not broken the law, these are not criminals, and the only nightmare that I can imagine is the nightmare of violating the rights of these wonderful children who want an opportunity to serve America.

First of all, they have to be in the country for 5 years already, and they cannot change their status for another 10 years. It could be almost 20 years. And then you have the opportunity for them to invest in this country after they have received their education equaling up to $1 trillion. Do we violate our rights and our beliefs that we all are created equal?

So I ask my colleagues to support a DREAM Act that invests in America, that allows individuals to serve America. It is not amnesty; it is people wanting to serve this country, to pledge allegiance to the flag of the United States of America.

Stand for what is right. Vote for the DREAM Act. Believe in our values. We are all created equal.

I rise today in strong support of the Development, Relief, and Education for Alien Minors Act, better known as the DREAM Act.

The DREAM Act is designed to provide a path to legal status for young people of good moral character brought to the United States as children. There are an estimated 2.1 million undocumented children and young adults in the United States who might be eligible to receive legal status under the DREAM Act. My home state of Texas is home to 12 percent of potential DREAM Act beneficiaries, second only to California (26 percent).

Each year, tens of thousands of these undocumented students graduate from primary or secondary school, often at the top of their classes. They have the potential to be future doctors, nurses, teachers, and entrepreneurs, but they experience unique hurdles to achieving success in this country. Through no fault of their own, their lack of status may prevent them from attending college, working legally, and joining the military. The DREAM Act would provide an opportunity for them to live up to their full potential and make greater contributions to the U.S. economy and society.

These students are culturally American, growing up here and often having little attachment to their country of birth. They tend to be bicultural and fluent in English. They are honor roll students, athletes, class presidents, valedictorians, and aspiring teachers, engineers, and doctors. Yet, because of their immigration status, their day-to-day lives are severely restricted and their futures are uncertain. They cannot legally drive, vote, or work. Moreover, at any time, these young men and women can be, and sometimes are, deported to countries they barely know.

Not only will the DREAM Act provide undocumented youth with the opportunity to achieve their dreams, but it will also have a positive impact on our economy. DREAM eligible students are already working hard and contributing to this economy and will not create new competition for Americans. Removing the uncertainty of undocumented status allows legalized immigrants to earn higher wages and move into higher-paying occupations, and also encourages them to invest more in their own education, open bank accounts, buy homes, and start businesses.

By allowing these students to come out of the shadows and work legally in the U.S., we will expand our Nation's tax base and will essentially be making an investment in our country. According to the Joint Committee on Taxation, over a period of 10 years, increasing the number of authorized workers in the United States would increase tax revenues by at least $2.3 billion. Moreover, the Congressional Budget Office found that the DREAM Act would also help to reduce the deficit by $1.4 billion over 10 years.

Despite the potential good that would come from enactment of the DREAM Act, there are still misconceptions about what exactly it will do. The DREAM Act does not provide blanket amnesty, but rather, it creates a narrowly tailored process to put young people on the path to legalization. These young people must meet certain criteria, including living in the United States the majority of their lives, graduating from high school, and completing at least two years of college. They must also exhibit characteristics of good moral character. Criminals or those who pose a threat to our national security would remain ineligible and be subject to deportation.

Furthermore, the DREAM Act does not give undocumented students immediate citizenships. In fact, it only provides for conditional status, which imposes heavy requirements on students before they can even apply for citizenship, including paying back taxes and demonstrating the ability to read, write, and speak English. It will take more 20 years before an individual will have the ability to achieve full citizenship in the United States. Moreover, it will take more than 28 years before an individual given legal status under the DREAM Act will be able to petition for a relative to come to the United States.

In my global travels to places like Africa, Asia, and Latin America, I have had the opportunity to interact with many children. Despite their many differences, there is one unifying factor—their love, respect, and adoration for the United States of America. The Declaration of Independence reminds us that we are all created equal. The students who would be impacted by the DREAM Act are more like you and me than most realize, and they deserve to have the ability to participate and contribute to America.

The DREAM Act is supported by military leaders, labor unions, business leaders, and a majority of American voters. I would like to tell you about Lucy Martinez, a second-year undocumented student at University of Texas at San Antonio who is among seven protesters who've refused to eat for 22 days to express her support for The DREAM Act. When asked why she and her fellow protestors chose to go on this hunger strike, she responded that she wants us to ''recognize our sacrifice and hard work. That we want to contribute to this country. We don't have the privilege of waiting. Our future is on the line.''

It is time that we decide whether to stand with this broad-based coalition, or continue to unfairly punish young people who were brought to this country through no fault of their own. I ask my colleagues to stand with me today and vote in favor of the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to my friend from Virginia (Mr. GOODLATTE), who is the vice-ranking member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong opposition to this legislation.

I say to my good friend, the chairman of the Judiciary Committee, this bill has been around for a long time for good reason. It is a bad bill, having been around for a long time, for this entire Congress, for 2 years, no hearing in the Judiciary Committee, no hearing in the chairman's committee for the entire 2 years, and now here we are within a week of adjourning the Congress, still no hearing. No opportunity for people to come in and testify before the Congress about how this would work, how we will screen out the people who will commit fraud under this, how unfair it is to people who wait for years, who are legally going through the process of becoming immigrants. No opportunity in the committee to improve the bill. No opportunity to offer amendments. Why? Because no markup was held for 2 years.

Now, the indignity of it all is that here in the closing days of the Congress, when this bill has been brought forward in this urgent manner, we are not even given the opportunity, as the minority is always given, to offer a motion to recommit, no opportunity to amend this bill in any way, shape or form, as though this was perfectly drawn and perfectly brought here, and that anybody who was not in the small room where the final version of this, totally without the inspection of the American people, totally without the opportunity for anybody to participate, brought here in some perfect manner; and now, of course, we are going to pass it without even the opportunity for the minority to offer changes to the bill.

The American people have recently demonstrated their strong opposition to amnesty for millions of illegal immigrants, yet the DREAM Act offers amnesty to illegal immigrants who entered the U.S. before they were 16 years old. It grants them permanent residence and then citizenship once they have completed 2 years of college or have served in the armed services, unless the Department of Homeland Security waives these requirements because of hardship, something not defined in the bill, a very, very big loophole.

According to the Migration Policy Institute, the DREAM Act could mean mass amnesty for 2.1 million illegal immigrants. Fraud will likely drive the number much higher as illegal immigrants discovery how easy it is to claim that they arrived in the U.S. before the age of 16.

The same thing occurred after the 1986 amnesty bill, the Immigration Reform and Control Act, was enacted. Everyone said that was going to end illegal immigration. It opened the doors to more. This is going to do exactly the same thing.

The DREAM Act makes it easy for almost any illegal immigrant, even those who do not qualify for this amnesty, to evade the law. Once an alien, no matter who they are, files an application, no matter how spurious, the Federal Government is prohibited from deporting that illegal immigrant. This is ripe for fraud and is unfair and should be opposed.

And once the DREAM Act beneficiaries apply for amnesty, they will be given work authorization. So these individuals who have broken the law will be legitimately competing for jobs with the 9.8 percent of Americans who are currently unemployed.

The DREAM Act subsidizes the college education of illegal immigrants at taxpayer (expense. DREAM Act beneficiaries are eligible for certain higher education assistance programs including subsidized and unsubsidized Federal Stafford student loans. Taxpayers pay the interest on unsubsidized Stafford loans as long as the borrower is in school. And DREAM Act beneficiaries are eligible for Perkins loans, work study and certain other college access and college persistence programs—all of which are funded at least in part by the U.S. taxpayer. In addition, both Stafford and Perkins loans are eligible for loan forgiveness after certain requirements are met. So some illegal immigrants will not even be required to pay back the money they borrowed from U.S. taxpayers. U.S. citizens should be first in line to receive taxpayer subsidies—not those who are violating Federal law.

Once a DREAM Act beneficiary obtains lawful permanent residence he is automatically exempt from the 5-year wait period specified in section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), to receive means-tested public welfare benefits. The costs of this to American taxpayers could be enormous.

DREAM Act beneficiaries are required to undergo background checks to the ''satisfaction'' of the Secretary of Homeland Security. But there is no way to verify that the person is who they say they are.

The DREAM Act will encourage more illegal immigration since illegal immigrant parents will bring their children with them in the expectation that they will benefit from another DREAM Act. The DREAM Act is a dream for those who have broken the law, but a nightmare for law-abiding and taxpaying Americans.

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Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to the gentlewoman from California (Ms. WATERS), a distinguished member of the committee.

Ms. WATERS. Mr. Speaker, I rise in support of H.R. 1751. The DREAM Act is bipartisan targeted legislation that gives students who are already here and have grown up in the United States a chance to contribute to our country's well-being by serving in the Armed Forces or pursuing a higher education.

This bill is good for our economy, our security and our Nation. If you take a look some of the bill's key provisions, you will see that this was well thought through. This is no throwaway. This is no giveaway. These students have to earn the right to this DREAM Act.

I would simply ask my colleagues to consider, having been brought to this country as a child, it is something that

we can do to make sure that we integrate them into our society and they contribute to it in a substantial way.

I would ask for an ''aye'' vote on this important legislation.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1½ minutes to the gentleman from Georgia (Mr. JOHNSON), chair of the Subcommittee on Courts of the House Judiciary Committee, and also a former magistrate.

Mr. JOHNSON of Georgia. I thank the chairman.

Mr. Speaker, I am grateful and proud that my bill, H.R. 5281, the Removal Clarification Act of 2010, is the vehicle through which the DREAM Act comes to the floor today. My bill will enable Federal officials to remove cases filed against them to Federal Court in accordance with the spirit and intent of the Federal Officer Removal statute. By attaching the DREAM Act to this noncontroversial bipartisan bill, we are able to expedite the process.

I am also proud to support the DREAM Act. This bipartisan legislation addresses the tragedy young undocumented people face when, through no fault of their own, their lack of legal status may prevent them from attending college, joining the military, or working legally in the United States.

In my home State of Georgia, there are 74,000 undocumented young people who could potentially benefit from passage of the DREAM Act. Last week, I spent time helping a potential ''Dreamer'' beneficiary in my district whose parents brought him from Mexico when he was 5 years old. Because of current law, he is unable to follow his dream and attend college. He, along with millions of undocumented youth, deserves an opportunity to stay and help strengthen this Nation.

I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GRAVES).

Mr. GRAVES of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the DREAM Act. When I think back to the early days of our country and its inception and what we were founded on, it was on freedom, it was on liberty, it was on the opportunity to dream and to achieve a better future for one's self. That is what has made us great, and that is what has made us exceptional among all nations on this globe.

But make no mistake, this bill is not the American Dream. This bill is the amnesty dream. This bill will give amnesty to nearly 2 million illegal immigrants right away, while providing a pathway to amnesty to encourage millions more illegal immigrants to enter our country.

Adults up to 30 years old will now be eligible for amnesty as a result of this. If a person who illegally enters this country will receive amnesty through this bill, you can bet they will petition, because of this bill, to have their relatives join them. Illegal immigrants who have been convicted of less than three misdemeanors are eligible for amnesty through this bill. Lastly, anyone who simply applies for the program will have temporary amnesty.

Earlier we heard that this is not about illegal immigrants, that this is about undocumented persons. Well, that begs the question. If one is undocumented, how could you even verify their age or eligibility for this very program?

This is no dream. This is a nightmare. This is a nightmare for the taxpayers of our country. This is a nightmare for America itself. Besides the fundamental problem of rewarding and incentivizing illegal behavior, this bill worsens our debt and puts a further strain on American families.

Simply put, an open-door amnesty policy, with no spending cap, no limit in scope and a free invitation to all the Federal benefits of this country, adds up to a cost that our taxpayers cannot afford. I urge my colleagues tonight to vote for the American Dream by rejecting the amnesty dream.

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER), chairman of the Education and Labor Committee, for a unanimous consent request.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I thank the gentleman.

Mr. Speaker, I rise in strong support of the DREAM Act. It is good for our country, it is good for our economy, and it is very important to the future contributions of these young people to American society.

Mr. Speaker, I rise today in support of the DREAM Act.

This is common sense, bipartisan legislation that is a win for our economy.

First, in this economy, we need the best, the brightest, the most capable and the most qualified to be a part of the American workforce.

This legislation will allow a limited group of very capable, high achieving young people to help contribute to the economic well-being of this country.

These are young people who didn't come to this country through their own free choice.

But, they are young people who have worked hard to graduate high school or obtain a GED.

These are young people who have contributed to their communities and to this country.

If we turn our backs on these students, then we're turning our backs on a qualified and competitive workforce.

Second, Mr. Speaker, simply put, this legislation is the right thing to do.

Critics who argue that the DREAM Act would diminish opportunities for students in this country with full citizenship must not know anything about our colleges and universities.

Our Nation's higher education institutions have the capacity to welcome these students, as many already do, without closing the door for other students.

This Congress has passed historic legislation to increase college access and opportunity for all students.

The bill before us today continues to provide that access to a higher education not only by providing these students a path to citizenship, but allowing them access to critical student aid through loans and work-study.

The financial cost of a higher education is too often a barrier to attending higher education.

It is critical that this bill ensures access to student aid, and gives students a chance at affording a higher education.

By passing this legislation, we can reward smart, civic-minded, goal-oriented students and provide access to the American dream.

Let's not punish students and the future of this country.

I urge all of my colleagues to support this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. A Member asking to insert remarks may include a simple declaration of sentiment toward the question under debate, but should not embellish the request with extended oratory.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. Mr. Speaker, my faith and my values teach me we do not punish children for decisions made by their parents. That's why I rise in support of the DREAM Act. Common sense tells me that thousands of decent, hardworking young people and our country will be better off by bringing them out of the shadows of our society and giving them the opportunity to serve the country which they call home.

In a time of hard-edged partisan politics, have we grown so coarse and calloused that we would send young people back to the countries that are foreign to them and their upbringing? We should debate how to better secure our borders. But in the meantime, in this season of hope, and love, and joy, let us turn to our better nature and let the youth among us live out their dreams. We will be all the better for it.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 45 seconds to a Judiciary Committee member, Dr. JUDY CHU of California.

Ms. CHU. When I first got elected to Congress, I brought on a bright young man as an intern in my office. He was the student body president of Rio Hondo Community College. Ernesto was so sharp, so hardworking, so positive, with a deep desire to make America better and to use his education to make that happen.

When he told me he was accepted to UCLA, I was so excited. But then he gave me the bad news. He learned he was undocumented. This after growing up most of his life right here in Los Angeles. He wasn't eligible for student loans. And despite all his efforts, he couldn't afford UCLA.

Without the DREAM Act, Ernesto can't afford the tuition, and might lose his status as a student if he can't find

help. Ernesto is one reason out of hundreds of thousands across the country as to why we can't wait another day. Let's make the DREAM Act a reality.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to the affirmative action amnesty act, otherwise known as the DREAM Act, which we are now debating.

Mr. Speaker, if this act passes, if an illegal immigrant happens to be of a racial or ethnic minority, which the vast majority of illegal immigrants are, that individual, as soon as legal status is granted, will be entitled to all the education, employment, job training, government contracts, and other minority preferences that are written into our Federal and State laws. As a result, the DREAM Act would not only put illegal immigrants on par with American citizens, but would in many cases put them ahead of most American citizens and legal immigrants.

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So those voting for this so-called DREAM Act are voting to relegate the position of nonminority American citizens to behind those who are now in this country illegally.

This doesn't just give young illegal immigrants in-State tuition; it provides them preference in admission. This is a betrayal of our law-abiding citizens and their families in order to help people who have come here illegally.

I urge my colleagues to oppose this affirmative action amnesty. I urge my colleagues to oppose this horrible example of misplaced loyalties and concerns that will help illegals at the expense of our citizens and legal immigrants.

It is not being coldhearted to acknowledge that every dollar spent on illegal immigrants is $1 less that's spent on our own children, our own senior citizens, and for all those in our society who have played by the rules, who have paid their taxes and expect their government to watch out for their needs before it bestows privileges and scarce resources on illegals who have not played by the rules.

This legislation not only increases the burden on our hard-pressed government programs and services, but will give foreigners who are here illegally preference over nonminority citizens, U.S. citizens. It doesn't get much worse than that.

We oppose policies like the DREAM Act, and we must oppose those policies because they will serve as a magnet to those who would flock here illegally. I urge my colleagues to reject this attempt to rob our children of their dream and to vote ''no'' on this divisive and irresponsible legislation which will do nothing more than bring millions of more people across our borders illegally, only now they will bring their kids, all of them.

Wake up, America. This is no dream. It is an affirmative action amnesty nightmare.

Mr. CONYERS. I yield myself 30 seconds.

I would remind my dear friend from California (Mr. ROHRABACHER) there is no preference in this bill. They are treated equally. There is not one preference that you can dream of—

Mr. ROHRABACHER. Would the chairman yield for a question?

Mr. CONYERS. Unfortunately, I am not able to.

Mr. ROHRABACHER. Is there anything in the bill then that——

The SPEAKER pro tempore. The gentleman from Michigan controls the time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Thank you, Mr. Chairman.

To my friends on the Republican side of the aisle, let me just say, have a little compassion. These children came here. They didn't decide to come here. They know no other country. Some of them can't even speak the language of the country in which they were born, and they deserve to have a right as free Americans.

I am a grandson of four immigrants from Eastern Europe, and my grandparents would be proud to see their grandson as a Member of the U.S. Congress. How many of these other children can flourish and be Members of Congress or do other things?

We do need comprehensive immigration reform in this country. This is not it, so we shouldn't attack it because it's it. We ought to have a little compassion. The sky is not falling if this becomes law. It will be good for all of us.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, the gentleman who just spoke has a good point. We need to have compassion, but our compassion should be reserved for American workers, and we should put the interests of American workers ahead of the interests of illegal immigrants.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I agree, we have a genuine problem with kids today who were brought here by their parents as young children illegally. In fact, in my area, some of these kids were 3 and 4 years old and they are far more Americans and Georgians culturally than they are whatever native country their parents came from. So there is problem here. But I have got to say, this is not the solution. This is politics. In fact, under the name of this phony, compassionate bill, what we are doing is a disservice to these children.

This is a lame duck session. The Democrats have been in charge of the House and the Senate and the White House now for nearly 2 years. Their brand of politics was squarely denounced and rejected 5 weeks ago, and this is one of those things. This is a Harry Reid deal. He promised to do it, so now he's doing it.

If you really were concerned and there was real compassion, you know you would not be doing it this hour sandwiched in between a major spending bill—when there was no budget, by the way—and a major tax extension in which the Democrats, themselves, have a lot of split decisions about.

But let's say look at this from a practical standpoint. How do you prove who was here when they were 16 up to 30? How do you prove that? Well, the bill actually says you only have to prove it to the satisfaction of the Secretary of Homeland Security. Well, that's a reassuring thought. The Secretary, appointed by President Obama would certainly never make a political decision. No, justice is blind. Just go down the street to the DOJ and see their cases.

Let's be serious about this. You are talking about children, and yet the Secretary of Homeland Security is going to decide if you were here before you were 16, and then what's going to happen to parents of other kids? Why would they not start bringing their children in and saying, Oh, yeah, we have been here.

Who keeps up with the records of illegal aliens? No one does by design. We all know that.

This is a serious problem. I started out my statement saying I agree there is a problem. This is politics, though. This is not a solution.

Two million people will probably become citizens under this. I don't think this is the right way to handle it.

I would like to work with you guys on this. I would like to work with the Republican Members. We all want to because we know there is a situation out there. But this is politics in the 11th hour in a lame duck Congress, and it should be rejected by that alone.

Mr. CONYERS. Mr. Speaker, I yield 45 seconds to the distinguished gentlelady from California, LUCILLE ROYBAL-ALLARD.

Ms. ROYBAL-ALLARD. Mr. Speaker, DREAM Act youth are not criminals and bear no responsibility for the actions of adults who brought them here illegally as children. Raised in the United States, they have the same American values and love of our country as children born here. Sadly, because of the actions of others, they live in fear of deportation from the only home they know.

The DREAM Act, which is not amnesty, will help correct this unfairness. With stringent criteria to qualify for legal status and a 10-year requirement toward earned citizenship, the bill would remove impediments so our country can benefit from their talents and enhanced contributions to our country. In fact, a recent UCLA study found DREAM-eligible students have

the potential to earn $1.4 trillion in additional income that could help fuel our country's economic growth over the next four decades.

Mr. Speaker, we are a country that values children, not one that punishes them for the wrongdoing of their elders. Yet that is exactly what is happening to these children today.

I urge my colleagues to support the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, may I ask how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Texas controls 10 minutes, and the gentleman from Michigan controls 15 minutes.

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

Mr. CONYERS. I yield 1 minute to the gentleman from California, SAM FARR.

Mr. FARR. Mr. Speaker, I am very proud to rise before you as a former Peace Corps volunteer, both the Speaker and myself, who know something about living in another country.

Look, we are in the Chamber of the House of Representatives. We have been here every day. We have these debates. Surrounding us every day, we look at these lawgivers, 23 people, all men. Only two have ever been American citizens. All the rest, we worship them, because they had great minds. Most of them lived before the United States was even created.

Those minds are in the children in America, and you are calling them illegal? Is that what you call bright children of your own? You want to raise people in that kind of climate? These kids have done nothing wrong. All they want is to fill that dream, that dream, with all kinds of restrictions that are in this bill. This ain't easy.

My God, give those children, your children, our children, that dream.

I rise today in strong support of the DREAM Act.

Bottom line: The DREAM Act is good for America.

It is good for the economy and it is good for the future competitiveness of our country.

According to Secretary Gates, "The expansion of the pool of eligible youth that would result from the DREAM Act provides an important opportunity to selectively manage against the highest qualification standards."

General Colin Powell says the DREAM Act is important because it invests in education and expands educational opportunities for minority students.

I believe that a well-educated population raises the standard of living for all Americans.

Immigrant children brought here illegally through no fault of their own deserve the opportunity to chase the American Dream.

America is still the land of opportunity, and education is the portal for achieving opportunity.

It is vitally important that all students, including undocumented students with good character who are long-term U.S. residents, have the same chance to pursue higher educational opportunities, be eligible for in-state tuition assistance, and earn legal status.

This is a good bill. I am a co-sponsor of this bill and I urge that my colleagues support its passage in the 111th Congress.

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

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I rise today in support of the DREAM Act and the thousands of Florida students who will benefit when we pass the DREAM Act—not just the students, but the families and businesses all across the State of Florida and our great country.

Our country is built upon a foundation of equality, liberty, and opportunity. These values apply to all, except for a small group of young people who, through no fault of their own, have been stuck in limbo and face obstacles to education and productivity.

The DREAM Act will breathe new life into their hopes and dreams and the economies of our local communities. It will breathe hope and life into the lives of these young students, these young people who only know America as their home. They want to attain a higher education and they want to serve in the Armed Forces.

Mr. CONYERS. Mr. Speaker, I yield to CAROLYN MALONEY of New York for a unanimous consent request.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. I rise in strong support of the DREAM Act and urge all of my colleagues to vote for this important bill.

I rise today in support of the American DREAM Act, bipartisan legislation that would provide a path to legal status for undocumented youth who entered the U.S. as children, graduated from U.S. high schools, and attend college or enter the military.

I would like to thank Speaker PELOSI and Leader HOYER for bringing this important legislation up for a vote on the House floor today. I also would like to thank Rep. LUIS GUTIERREZ, who sponsored this bill in the House and has worked so hard for its passage.

Our Nation's history is rooted in the strength of immigrants. As New Yorkers, my constituents have a special understanding of how America's melting pot can create a rich tapestry of ethnic, cultural and religious traditions that infuse vitality into the economic and social aspects of our communities.

I strongly believe that by protecting the rights of workers, securing the border, and modernizing our pathway to legal immigration, the hope that we can fix our broken system will become a reality.

Under the DREAM Act, qualified students would be eligible for conditional immigration status upon high school graduation that would then lead, after a period of ten years and a rigorous process, to permanent legal residency if they go to college or serve in the military.

We cannot deny these students the opportunity to pursue education—especially when the alternative is often working illegally. Despite what some opponents of this legislation claim, the DREAM Act would not grant special benefits to qualified students. In fact, students may only access benefits they work for, or pay for.

This bill would allow a limited number of hard working students, who were brought to this country as children, to be rewarded for their success, and in the process, produce thousands of college graduates contributing to economic productivity and eligible youth ready to serve this nation through military service.

I am proud to be a cosponsor of this important legislation and urge my colleagues to support it.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from New York, JOSÉ SERRANO.

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

Mr. SERRANO. Mr. Speaker, we call it a dream, but it's a reality. It's young people who are here, who want to continue to be part of the American Dream. It's people, as Mr. ENGEL said, who know no other country. This is the country they know. This is the country they love. This is the country they're in. This is the country they want to help grow.

We talk so much about the future of our country. The future of our country is in our youth, our youth who want this dream to become a reality.

Vote for the DREAM Act. It is the proper American behavior at this time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I stand in strong support for H.R. 5281, the American DREAM Act, a bipartisan bill.

America is the land of opportunity, and these students want to abide by the law, and that's why this bill is before us.

It is wrong to unfairly punish young people who come to America through no fault of their own, wanting an education, an opportunity like their fellow students.

If we pass this bill, we have an opportunity to strengthen our Nation and respect our strong, proud immigration history, like Ronald Reagan and others who did this in the past.

Equal opportunity is justice in opportunities. It's the same values that civil rights leaders like Martin Luther King and President Johnson fought for.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from the Ways and Means Committee, the Honorable CHARLES RANGEL.

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

Mr. RANGEL. Thank God that the Native Americans didn't have these immigration laws when they were discovered, you know, by other people.

But having said that and forgetting the idea of compassion, I'm reminded that in 1950, when the outfit was surrounded by Chinese and Lieutenant Colonel Joseph Vines called up and he

says, We need replacement or we've got to get out of here. And they told him that we didn't have any colored replacements. And even though President Truman, in 1948, had outlawed discrimination, still it was that way.

Lieutenant Colonel Vines says, I don't care what color they are.

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

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

Mr. RANGEL. I don't care what color they are. You send someone up here to defend this country or we're pulling out of here.

And that's where we find ourselves today. At a time when we're looking for scientists and researchers and teachers and people to allow this country to maintain its greatness, we find people that were raised in the United States, salute the flag, the Pledge of Allegiance, the Star-Spangled Banner, the Boy Scouts; and these, for all practical purposes, we have invested in them. Now they want to pay back by becoming professionals. This is time for us not to retreat but move forward and support the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. JOHNSON).

Mr. JOHNSON of Illinois. Mr. Speaker and Members of the House, as we stand here this evening and debate this terribly misnamed bill, the American people face not a dream but a host of unmistakable realities: double-digit unemployment; a social service delivery system—most particularly, Social Security—that is terribly broken; their children and their grandchildren who simply cannot afford to go to school; and a national debt of over $14 trillion and growing by the hour, which really jeopardizes our collective future; and a Nation, Mr. Speaker and Members of the House, where too often the rule of law yields to self-term expediency.

I respectfully have to comment and respond to a number of the comments that were made on the other side of the aisle, not the least of which is the attempt to portray these individuals as somehow innocents and those who would be free of any lawbreaking. The fact is the law, the bill doesn't deal with that. It only deals with it indirectly.

Secondly, we have the clear reality that people can be 15, 15½ years old and break the law, come over here and then bootstrap their families into citizenship, which deals with all the realities that couple and aggravate on top of that.

The reality is this is a very bad piece of public policy. It's, I think, well-intended. I respect the sponsors, as I said in my comments on the rule. But at the end of the day, this is a bill that America cannot afford. And I strongly urge my colleagues, both Republican and Democrat, to vote ''no'' and to send a message to the American people that we still pay obeisance to and uphold the rule of law. And I urge a strong ''no'' vote.

Mr. CONYERS. Mr. Speaker, I yield to Chairwoman NYDIA VELÁZQUEZ for a unanimous consent request.

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of the DREAM Act because of young people like Carol from New York City, so that she and others can fully contribute to America, the country they call home.

Today, more than one million young people residing in our nation live in fear of deportation. These individuals did not choose to come here illegally. Rather, their parents brought them as minors.

Now, like generations of immigrants before them, they wish to help build a better America. They are not seeking a handout or giveaway. All that they ask is a chance to earn their citizenship. The question before us is simple—will we let them do their part or keep hiding them in the shadows?

Passing this bill is not just the moral choice—it will also bring our nation enormous benefits. Today's broken immigration system drains talent from our workforce, keeping bright minds from achieving their full potential. Bringing these young people into the mainstream of American life will enhance our competitiveness in the global economy, in the long term.

In the short term, as our Nation recovers from this downturn, entrepreneurship will be vital. Immigrants have a strong record of building new businesses, representing almost 17 percent of new ventures. By creating additional opportunity, the DREAM Act would further this tradition, spurring business growth among a new generation of immigrants.

These students are the kind of leaders our country needs to thrive. Allowing them to pursue the American dream will mean a stronger economy and more prosperous future for all of us.

Equally important are the contributions these future Americans will make serving society. In New York City, there is a young woman named Carol, whose lifelong goal has been teaching. Carol was the first college graduate in her family, paying her own way by working two jobs. Upon graduation, she was accepted into a New York teaching program that certifies candidates, while letting them obtain a Master's Degree. Because Carol's parents brought her here at age six, she is prevented from joining the program—or becoming a teacher.

Carol's story is too common. For the thousands like her—who are yearning to serve this nation and become American—we must pass this bill.

Mr. Speaker, childhood immigrants are American in nearly every way. They grew up our neighbors, attending U.S. public schools. We've already invested in the education and upbringing of these kids. With this bill, we will see a return on that investment, as the best and brightest earn their place in the American dream.

I urge my colleagues to vote yes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the managers that if Members engage in debate after being yielded to solely for making a unanimous consent request, time consumed will be charged.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentlewoman from Maryland, DONNA EDWARDS.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in strong support of the DREAM Act, H.R. 1751, and on behalf of many young people in my district like 17-year-old Yves Gomes, an advanced placement student, an honor student, a graduate of Paint Branch High School. Yves came to this country from India when he was just 14 months old, a toddler. He loves this country. He's all-American. He plays basketball. He listens to music. He wants to be a doctor to help poor people in this country. Let's give Yves a chance to study, to work, to contribute to this, his country.

In a letter to President Obama, Yves wrote, ''The U.S. is different from any other country in the world because the government is willing to listen to its people when something is wrong.''

Let's pass the DREAM Act.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ), who is a member of the Judiciary Committee.

□ 1950

Mr. CHAFFETZ. Mr. Speaker, I rise in opposition to this bill. This bill is amnesty. We should not be rewarding illegal behavior. We should be prioritizing Americans. And we should be prioritizing the millions of people who are not willing to break the law. They are trying to do it legally, lawfully, sometimes waiting 20 years to go through the process. We need to fix legal immigration, not reward illegal behavior.

Further, while I have the greatest respect for the leadership within the committee, I need to say that in the 23 months that I served on the Subcommittee on Immigration, it is an embarrassment that we met 12 times and never discussed this. Never, never did we have a substantive hearing or discussion on this bill.

Yet under martial rule we bring it here to the floor with a very short time span, in the middle of the night here and try to slam this through. That is fundamentally wrong to the process; and when the process is wrong, you get a bad result. I urge my colleagues to vote ''no.''

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 45 seconds to the civil rights hero of the Congress, JOHN LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, the DREAM Act, this is a bill that we should have passed a long time ago. The American dream—isn't that why we are all here, why we work, toil, and sacrifice for these United States of America? These young people, uprooted from their homes and brought to this country as children, some of them so young this is the only home they have ever known. They have obeyed our laws, became excellent students, sacrificed blood and tears for our country, just as any good American would do.

Mr. Speaker, the time is always right to do what is right. I urge my colleagues to pass this bill and pass it now.

Mr. SMITH of Texas. Mr. Speaker, I will continue to reserve the balance of my time until the time on both sides is roughly equal.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 1 minute to the one and only majority leader of the House, STENY HOYER of Maryland.

Mr. HOYER. I thank the gentleman for yielding me 1 minute. I am about to lose my magic 1 minute, and I lament that fact, but it is a fact. But I have not lost it yet.

I am going to use that minute to speak for children who didn't break the law, who had no concept of violating laws. Their parents brought them here like millions of other children who now live in America, and parents who live in America. They were Irish, they were Polish, they were German, they were Asian, they were South Americans, they were Africans. Their parents brought them to this country, and they grew up in this country and they thought to themselves, I am proud to be an American. And I am sure they sing with Lee Greenwood, I am proud to stand up next to you. And they stand next to us almost every day. We may not know who they are, but they go to school, they serve in our Armed Forces. They participate, and they pay taxes. Some of them are far too young to do that. Some of them know no country except the United States of America. And they feel blessed.

Mr. Speaker, I understand that immigration is an issue that divides many of us in this House. It is an issue that arouses passion. But the test of governing responsibly is whether even in the face of those divisions we can come together to make progress on the basis of a principle that ought to be universal.

I said to my caucus tonight that I had been chairman of the Commission on Security and Cooperation in Europe for 10 years and served on that commission for almost 20. That commission, as some of you know, is charged with overseeing the implementation of the Helsinki Final Act. The Helsinki Final Act, of course, was signed by President Ford in the summer of 1975. What that act tried to accomplish was a universal understanding of human rights and how nations treated their own citizens, and how we would look to those nations and not say it is simply their business, because if they abused their citizens, it was felt after World War II, that they might soon abuse other citizens not within their borders.

And so we said we are our brother's keeper. We do need to make sure that people throughout this world are treated equally. And I have traveled to many countries behind the Iron Curtain over and over and over with my good friend FRANK WOLF and others. Mr. SMITH from New Jersey, particularly. We went to those countries and said, Treat people fairly.

As I was thinking about this impending debate, I thought to myself, what if some other country were taking children who had grown up, gone to school, were in the military, were going to college, and we were kicking them out of the country because their parents had come from another land. Yes, those parents broke the law, and this is not about excusing breaking the law. These children are not culpable. These young people came here because as all of us went anywhere. I am in Maryland. Why am I a Maryland citizen? I am a Maryland citizen because my stepfather was in the United States Air Force and the United States Air Force transferred him to Andrews Air Force base, and so we moved to Maryland, not because I chose to move to Maryland but because my stepfather and mother moved to Maryland, and they brought me with them. That is who we are talking about. That is who we are talking about.

One of those principles is I believe that individuals who came to this country as undocumented minors and have lived their lives in America should not suffer because of the actions over which they had no control that brought them to the United States. We all universally adopt that principle. No one holds children culpable for the wrongdoing of their parents unless somehow those children are involved themselves in the perpetration of wrongdoing. So this principle is well known to all of us and ought to be followed. That is the idea behind this legislation.

We talk about the American Dream. We have a statue in the harbor in New York. She has a light that she lifts to all the world. And we say:

Give me your tired, your poor,

Your huddled masses yearning to breathe free.

The wretched refuse of your teeming shore.

Send these, the homeless, tempest-tost to me.

And America says to the world: I lift my lamp beside the golden door.

We are the keepers of the golden door.

When the ambassador from Ireland, and we have many Irish among us, came and spoke, one of the things he said is: Deal with this issue. Deal with it because there are Irish among us who perhaps came because their parents saw opportunity at a time of great strife in their land and came to America.

My father came at the age of 32 in 1934 from Denmark to seek opportunity in this country. There are so many of us among this group of 435 who could give similar stories. Our parents came here to seek opportunity. Some came, and our grandparents came, when there was no significant control on their coming here. As immigration has grown, we have had to rightfully make restrictions. And I am one who believes that we need to know who comes into the United States of America.

Our choice tonight is between allowing those young people to live their lives in the shadows of America or ensuring that those who want to serve our country and contribute to our economy can stay in the country that is their home. They perceive it to be their home.

□ 2000

They were children in school, in our neighborhoods, in our boys' and girls' clubs, who played on our athletic fields, and who think of themselves as Americans.

For those young people who have been in our country for 5 continuous years before the enactment of this bill, this is not an inducement to come here; this is not an inducement for somebody to bring their children here. This is to say to those children who are here: We are going to incorporate you if you play by the rules in an opportunity, in this land that we call the land of opportunity.

The DREAM Act provides for 6 years of conditional legal status but only if they have completed high school or a GED during those years. Applicants must finish 2 years of college or serve 2 years in the military and must not commit any crime. We are not going to allow wrongdoers. These are people who are playing by the rules; and if they meet those requirements, they will be able to earn permanent residence and be allowed to apply for citizenship.

Now, understand again that these are young people who broke no law. These are young people who had no intent to break the law. These are young people who have played by the rules, who have graduated from high school, who have gotten GEDs or who are about to do so in order to qualify. In a competitive world, America's openness to immigration is one, frankly, of its strengths, not of its weaknesses. The beneficiaries of the DREAM Act are the kind of new Americans we want—young people who speak English, who abide by the law and value education, and in many cases, who are willing to risk their lives for America as members of the Armed Forces.

Our military understands the value of a new pool of motivated young men and women committed to serving their country. Clifford Stanley, the Defense Undersecretary in charge of personnel, said that failing to pass this legislation would be, in his words, ''unconscionable.''

Economists also understand the value of these immigrants. A UCLA study found that their income will reach as high as $3.6 trillion over the course of their lives. They're very young now, so that may be 70 or 80 years, which is a long time; but it's an indication of their willingness, as it is of the millions and millions of immigrants throughout our history, to add to the value of America—a Nation, we call ourselves, of immigrants like my father. That's why the DREAM Act is

in keeping with the principles that have made America strong and so dynamic.

Some of you may know Michael Gerson personally. He was George Bush's speechwriter. I hope you had the opportunity to read the column that appeared just two days ago. If you didn't, let me quote from it.

''It is a principle of democratic capitalism . . . that ambitious human beings are not just mouths but hands and brains. They are a resource—the main source of future wealth.''

He urged his party, his Republican Party, to reach out in this instance of which we are not talking about forgiving wrongdoing to young people who have not done anything wrong. Let us stress that over and over. I urge my colleagues to take advantage of that resource, to do what is both in America's interest and in keeping with America's fairness.

Some of you know Jeb Bush. I don't know Jeb Bush personally; but Governor Bush—the Governor of Florida twice—has been mentioned as a possible Presidential candidate.

''I think politicians,'' those of us who serve in public office, ''should be supporting the DREAM Act,'' said Governor Bush. ''I think it's a good policy. I think the military is a most impressive and important institution in this country.'' Those who serve and those who are willing to serve should be given the opportunity—again, not speaking of wrongdoers.

I hope all of my colleagues hear this and all who are listening. Michael Gerson is George Bush's speechwriter. He says at another point in this article, ''It would be difficult to define a more sympathetic group of potential Americans; and the choice here is not between the presence of these young immigrants and their absence. No one is proposing the mass deportation of this particular group.'' These are children who have done nothing wrong and who would be the last on the target lists of even the most enthusiastic immigration restrictionists. In the words of Michael Gerson, ''The actual choice is between allowing these young men and women to develop their talents and serve in the military or not.''

Ladies and gentlemen, I urge my colleagues: Let us join that Lady in the harbor, who lifts her lamp beside this golden door, and understand why the millions and millions and millions and millions of people came from across this Earth to seek opportunity in this great and generous land. Let us reflect that tonight.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, our Nation cannot afford to turn away these talented youths. In order to remain competitive in the global economy, our country must train a new generation of highly skilled STEM professionals—scientists, engineers, and mathematicians—to bolster the scientific discovery and to spur the technological innovation that our Nation desperately needs.

I urge my colleagues to vote ''yes'' and support the DREAM Act.

I rise today to strongly urge my colleagues to vote for the DREAM Act . . . H.R. 5281.

Our students have been waiting for nearly a decade for Congress to act on this important legislation, and according to estimates by the Congressional Budget Office and the Joint Committee on Taxation, this bill will reduce deficits by about $2.2 billion during the period . . . 2011 to 2020.

It's time for Congress to pass the DREAM Act and do what is just and sensible and give these deserving students a chance to make meaningful contributions to our Nation's workforce, economy, military and civic life.

As Subcommittee chairman for Higher Education, Lifelong Learning and Competitiveness, I believe that our Nation must encourage all students to succeed in school, particularly those students who are hardworking and serving as role models to their peers. This legislation supports our nation's high school and college completion goals and helps to reduce dropout rates.

In the Rio Grande Valley of South Texas and across the country, DREAM Act students are exceptional young men and women. Despite facing difficult circumstances, many of these students have excelled in school, and become valedictorians, AP scholars, and distinguished student leaders. There are at least 1,000 college students in my congressional district who would benefit from this legislation.

Our nation cannot afford to turn away these talented youth. In order to remain competitive in the global economy, our country must train a new generation of highly-skilled STEM professionals—scientists, engineers, and mathematicians—to bolster scientific discovery and spur the technological innovation that our Nation desperately needs.

These students are ready and willing to contribute to our country and do what is necessary to achieve their career goals and earn their citizenship.

DREAM Act students exemplify the American ideals of hard work, perseverance, a desire to succeed and contribute to this Nation—values that we in Congress extol and strive to instill in all students. Importantly, these young men and women are an integral part of our families and communities. Many of these students were brought here as children, and know America as their only home.

I urge my colleagues to vote "yes" and support the DREAM Act . . . H.R. 5281.

Mr. CONYERS. I yield 2 minutes to a distinguished member of the Judiciary Committee, the gentleman from Illinois, LUIS GUTIERREZ. He has worked on this issue, not just on the DREAM Act but on the whole question of immigration, with great skill and knowledge.

Mr. GUTIERREZ. Mr. Speaker, I come here this evening to say to you, yes, let's give the DREAM kids an opportunity. They are American in everything but on a piece of paper. They are just like my children and your children. So I say, too:

Give them a chance. Give them the opportunity—the opportunity this Congress will not give their mothers, who are today finishing toiling in Salinas, California, picking the fruit; their mothers who are in sweatshops in New York tonight, finishing their labor; their mothers who are in meatpacking plants in Iowa—sweaty, under terrible conditions.

That same despair and inequity and unfairness and injustice that their mothers suffer, let's say that this Congress will not allow them to suffer. Let's say that their work, their sweat, and their toil will be responded to by this Congress by saying their children will not suffer the consequences of the inaction and unfairness of our immigration system.

We know that there are millions of undocumented workers—their parents—who work and sweat and toil every day to make this Nation greater. They were wrong about the Irish. They were wrong about the Italians. They have been wrong about immigrants in the past, and they are wrong about the immigrants today and about these children of immigrants.

Let this Congress stand as it has stood before for immigrants. I stand here today also as a Democrat, as a Democrat who understands that the rule of law must also be conditioned by justice and fairness and compassion. I stand here in the same manner as we have stood up when the rule of law said to a woman, You will not earn equal pay, and in the same manner as when someone of sexual orientation has been abused, and we say, That will not be tolerated.

□ 2010

When there is someone without health care, we say we will provide health care. We look at the rule of law, and we see homeless and we want to provide housing to them. And today, just as we have faced that unfairness and those inequities in our system, we have come here, yes, to support the rule of law, but to change the law when it is unfair. Today, change it for this generation of young men and women. We must stand up for them.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a senior member of the Judiciary Committee and a former Attorney General of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I don't think I was wrong in 1984 when I stood on this floor in this position and led the Republican effort to work with my Democratic friends to pass immigration reform. I don't think I was wrong in 1986 when I was the Republican floor manager of Simpson-Mazzoli in an attempt to try and bring some semblance of law to the issue of immigration, both legal and illegal. But I must say that in 1986, when we did pass that law, we thought that that was going to resolve many of these issues, and it was going to take care of them. And even though we spent weeks on the floor over those 2 years—weeks on the floor, allowing 200-

and-some amendments to be put in the RECORD, over 100 amendments offered on the floor so that Members had the opportunity to have their ideas heard—I don't think we were wrong.

I do think we are wrong now to bring this at the last hour, to deny anybody an opportunity for a single amendment on this important issue, and to bring it in a parliamentary inquiry fashion that stuffs this bill into a Senate bill, which does what? Disallows the minority an opportunity to bring a motion to recommit.

Now, why do I say that that's important? Because we passed legislation in '86 that we thought was going to solve the problem. In some cases it solved the problem, and in some cases it exacerbated the problem. I was concerned at that time that we passed the SAW and RAW provisions—seasonal agricultural workers and replenishment agricultural workers—because I was afraid that that would be full of fraud. And guess what? It has been. Since that time we have added to the numbers of people who are illegally in the United States. Now, some people don't want to talk about that as if it has no importance.

We have, as a principle in our law, the concept of a worldwide quota. What does that mean? That means everyone should have an equal opportunity to come to the United States, whether you're the poorest child in Africa, whether you're in the Philippines, whether you're in Asia. And when you have rampant illegal immigration, particularly from this hemisphere, you are in essence discriminating against those equally poor, some even in worse poor situations around the world for their chance to come here to the United States. That's why when you deal with an issue like this, you have to look at the whole picture, and we are denied the opportunity to look at the whole picture here.

There are those that say, well, we are here to assist only those children who, by no fault of their own, came to the United States, those up to the age of 16 who came here in one fashion or another. If that be true, why not allow an amendment which would say that those who benefit from this will not have the opportunity to bring those who may have brought them here illegally——

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

Mr. SMITH of Texas. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. Why not say they will not have the right to bring those who did break the law into the United States? But right now, under this bill, if you qualify under this bill, you have the right to begin chain migration. You have the right to bring your parents in, your adult siblings in, others in. At least give us the chance to have the opportunity for amendment. That's all I'm saying.

We know that this isn't the way to deal with this issue. We know we should have a chance. We had the opportunity for months to bring something to this floor. So all I would say is this is an issue that many of us on this side of the aisle will work with you on, but this is just not the night and this is not the way to do it.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from California, GRACE NAPOLITANO, for a unanimous consent request.

(Mrs. NAPOLITANO asked and was given permission to revise and extend her remarks.)

Mrs. NAPOLITANO. Mr. Speaker, I support the DREAM Act because of the young people in my district and throughout the United States so they can fully contribute to America, the country they call home.

Mr. Speaker, I support the DREAM Act because of young people like Julieta, so that she and others like her can fully contribute to America, the country they call home.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York, GREGORY MEEKS.

Mr. MEEKS of New York. Who are we? We call ourselves American citizens. We're proud to be Americans. Why are we proud to be Americans? Well, we were raised in American schools, we loved our country, we studied our history, we wanted to prosper, we wanted to be able to do the things that cause us to be free.

We care about children. What we're talking about here is a group of children who all they know is what we know. In fact, many of them had no idea that they were not American citizens. They grew up loving this country; they grew up aspiring for the same things that we have; then all of a sudden they find out that they can't continue with their education, they can't go into the military.

If we are truly Americans, if we truly care about kids, if we truly stand for our core values, we will tell those children because those children are as much American as each and every one of us. Let's support the DREAM Act.

Mr. CONYERS. I am pleased to yield 1 minute to the gentlewoman from New York, YVETTE CLARKE.

Ms. CLARKE. Thank you very much, Mr. Chairman.

It is my honor tonight to stand here as a second-generation American coming from a district where many people come as immigrants to make the United States their home. Some of those people, many of those people, are residents of our Nation and want to become citizens. Some are undocumented. Many of them are young people, are children who go through our school systems and look just like me. I am proud to stand here today because those young people have been law abiding and know this place as their home, have never known their place of origin but understand that the work that they do each and every day in our schools and in our communities accrue to a stronger Nation.

Tonight, we have the opportunity to make their dreams a reality, their dreams to do more than to stand and defend our flag, to give their lives as many give their lives for the freedoms of America. Today, we make sure that that dream is fulfilled and they fulfill their obligation as new Americans in our Nation. The DREAM Act will be a reality tonight, and I am proud to cast my vote in favor of those young people.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee.

Mr. KING of Iowa. I thank the gentleman from Texas for yielding.

Mr. Speaker, when my grandmother came over here and landed at Ellis Island, 2 percent were sent back. We had a merit system, and you had to meet those standards.

I believe in an immigration policy that is designed to enhance the economic, the social, and the cultural well-being of the United States of America. This immigration policy is for America. We can't relieve all of the poverty in the world. That is completely impossible.

Today, our immigration structure is this: between 7 and 11 percent of our legal immigration is based on merit, and the balance of it is out of our control as far as setting any standards. If we are going to be a great Nation we have to have a policy that is established to promote American exceptionalism. This bill does not. I urge a ''no'' vote.

□ 2020

Mr. CONYERS. Mr. Speaker, I yield to the gentleman from California (Mr. HONDA) for a unanimous consent request.

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

Mr. HONDA. Mr. Speaker, I rise in support of the DREAM Act.

Mr. CONYERS. I am pleased at this time to yield 1 minute to the Speaker of the House of Representatives, the gentlelady from California, Ms. NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for giving us this opportunity this evening to come to the floor of the House on behalf of many children in America.

It is one of those evenings when we can associate ourselves very directly with the aspirations of our Founding Fathers. How blessed we were at the beginning of our country, even before our country began, that these brave and courageous people stood up for independence for our country. And when they established our country, they designed the great seal of the country and it said, ''Novus Ordo Seclorum,'' a new order for the ages. How confident they were, how optimistic they were. No country in the history of the world had ever had founders founding on a new principle of equality of people and freedom, separating themselves from a great military power by winning independence

and saying this was about a new order for the future. And they could say that with confidence because they had a commitment to make the future better from one generation to the next.

That became known as the American Dream, eventually, and people flocked to our shores to be part of the American Dream. And when they came, they brought their hopes, their aspirations, their determination, their optimism for a better future for their families and for the next generation. And in coming here, these newcomers—at that time, a couple hundred of years ago—and to this day, by coming with that optimism and hope and commitment to a better future for the next generation, they made America more American.

And so tonight we have an opportunity to identify with the aspirations of our Founders. And we know that if we are going to have a better future for our country, it is important for us to recognize the children who are here. They have come from every continent in the world, from Europe, from Asia, from Australia, from Latin America. My colleague, Congresswoman CLARKE, talked about children coming from the Caribbean. A lot of attention is paid to those coming from Latin America, but they have come from all over the world, and many of them to this day do not know what their legal status is. Some find out in a most unfortunate way when ICE shows up at their door to say, You weren't born here, because their parents may not have told them that.

But their identity is all American. Some of them don't even speak the language of the country of origin of their parents. So many of them come here with this great patriotism. Their families come with this great patriotism. Many of these young people serve in the military, so they strengthen our national security. Secretary Gates has said, The DREAM Act represents an opportunity to expand the recruitment and readiness of our armed services. That's what the Secretary of Defense said. We all know that the competitiveness of America depends on innovation, and innovation begins in the classroom. And these young people have an array of skills and talent, whether they're in the military, whether they're in college, whether they go to graduate school. And we know that many of them cannot reach their professional aspirations because that is when they bump into the fact that they are not fully documented.

If you have ever been to a DREAM Act occasion, when young people come together and speak about their love for America, you will hear anthems of patriotism that, again, would make you so very, very proud in how it echoes what our Founders had in mind. So we have an opportunity tonight to solve a problem, solve a problem for these young people, to help solve problems for our military and our national security, to help solve problems about innovation and education and making our country stronger economically as well as militarily.

This bill does not cost money. In fact, it sends money back to the Treasury, about over $2.5 billion. But as studies show, there will be hundreds of billions of dollars that will be paid in taxes by these young people when they reach their full aspirations.

This act is about Pedro Ramirez, the student government president at California State University Fresno. He was brought here when he was 3 years old and was unaware of his lack of citizenship until he was a senior in high school. In the midst of the controversy of his status, he reminded us, the DREAM Act itself symbolizes what it is to be an American. It's about equality. It's about opportunity. It's about the future.

Young people like Pedro and so many others like him represent the best reasons to pass the DREAM Act. We always think in numbers. Think of these individual young people and how they identify with America. They have no other identity in many cases. They want to participate in our Nation's future. They want to help build it. They want to use their degrees and their skills to help build something better for the next generation, and that's what our Founders had in mind when they said, Novus Ordo Seclorum, a new order. It's on the dollar bill. In case you have a dollar in your pocket, you can take out The Great Seal of the United States, ''Novus Ordo Seclorum,'' with that confidence, later to be called the American Dream.

We owe it to our Founders, and we owe it to these young people, we owe it to the future to cast a vote for a bill that makes America more American. And I want to thank Mr. CONYERS. I want to thank HOWARD BERMAN, the author of this legislation; Chairwoman ZOE LOFGREN, also on the Judiciary Committee; certainly Congresswoman NYDIA VELAZQUEZ, chair of the Hispanic Caucus; Congressman XAVIER BECERRA, part of the House leadership; LUIS GUTIERREZ; Congresswoman LUCILLE ROYBAL-ALLARD; and the entire Congressional Hispanic Caucus. But it is not confined to the Hispanic Caucus, as Representative CLARKE has said. This is about kids from all over the world.

And as Steny said earlier, when the Prime Minister of Ireland came here and spoke, and when we attended the festivities each year surrounding the visit of the Taoiseach, they always talk about immigration. They always talk about this issue. This is one piece of it.

And I know the gentleman got up and said he couldn't be for this because it didn't have a motion to recommit. This isn't about a motion to recommit. This is about a commitment to our future. This is about a recognition of what these young people can mean for our country. And so I hope that that recognition will result in a very positive vote, and I hope a bipartisan vote in support of making the future better for the next generation, which is the strength of our great country. Thank you all, and please vote ''aye'' on the legislation.

The SPEAKER pro tempore. The gentleman from Michigan and the gentleman from Texas each control 3 minutes.

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

Mr. Speaker, 1 month ago the American people told Congress to change course, to put the American people first, to generate jobs, and to strengthen the economy. Unfortunately, it seems that some Democrats have learned nothing and forgotten everything about what the American people want.

We are considering major legislation that the American people couldn't read until a few hours ago. The Democrats refused to hold any hearings on this bill, and no amendments have been allowed. It is the result of a closed and undemocratic process.

We all know that the point of this bill is to give amnesty to almost everyone who is in the country illegally and who is under 30. Illegal immigrants get amnesty if they can show hardship if they are sent home. Illegal immigrants can stay if they just claim to be eligible under this legislation. Illegal immigrants get amnesty if they use fraudulent documents because the Federal Government has no way to check millions of claims. Illegal immigrants get amnesty even if they have committed crimes like DUI, document fraud, and visa fraud.

□ 2030

This is a bill that gives amnesty to more than 2 million people who are in the country illegally. It encourages fraud and even more illegal immigration.

Today, Americans face an unemployment rate of 9.8 percent, a new record. That number has now topped 9.5 percent for 16 months, the longest period since the Great Depression. The DREAM Act means more competition for American workers who are in need of those jobs. It puts the interests of illegal immigrants ahead of the interests of American citizens.

I urge my colleagues to put the American people first, and oppose this bill.

I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to BARBARA LEE of Oakland, California.

Ms. LEE of California. Thank you very much, Mr. Chairman.

Mr. Speaker, let me just say the overwhelming majority of the Congressional Black Caucus supports the 800,000 young people who will be able now, if we pass this, will be able to live the American Dream. It's in our national interest to pass this. But more importantly, this is the right thing to do.

Please vote for the DREAM Act. This is an important moment in our country's history. This demonstrates our

American values and who we are as a people.

Mr. CONYERS. Mr. Speaker, HOWARD BERMAN is not only the chair of the Foreign Affairs Committee; he is the second ranking member of the Judiciary Committee. I yield him the balance of my time.

The SPEAKER pro tempore. The gentleman from California is recognized for 2½ minutes.

Mr. BERMAN. Thank you, Mr. Chairman, and Ms. LOFGREN, the chairman of the subcommittee, for bringing this legislation to the floor. For 30 debate-time minutes we have heard the other side's arguments, and so many of them have been filled with scare tactics and blatant inaccuracies. We have been working on this bill for nearly a decade. We have recently made a number of changes to make clear our intentions about who the bill should cover and who it shouldn't.

Nearly every speaker on the other side has used the term ''amnesty.'' Think about that. Amnesty, amnesty, amnesty. If you say it enough, you can scare a lot of people into being against this bill. We are talking about a group of people who didn't do anything wrong. They didn't possess the intention to commit a crime or to cross the border illegally. They were brought here. This is a universe of people who deserve special consideration because the absence of wrongdoing is so clear. And for that you use the term amnesty? That's outrageous.

Next, we hear scare tactics regarding chain migration. My good friend DAN LUNGREN says these people, once we give them this status, will be able to petition for their adult siblings. We have taken away petition rights for adult siblings, young siblings, grandparents, grandchildren; and it will be 25 years before any person whose status is adjusted under this legislation will be able to petition for the parent that brought that kid here, because we never undid my friend LAMAR SMITH's provision that required 10-year absence after the petition is filed for anyone who came to this country without authorization. The chain migration argument is another bogus argument, just like the amnesty argument.

Then we hear from the gentleman from California (Mr. ROHRABACHER) about the affirmative action amnesty legislation which will give preference to all these people. This is a group of people who under this legislation will not be allowed to receive Pell Grants, will not be able to get into the health insurance exchanges. I know you plan to repeal them, but they will not be able to get into them. They will not qualify for food stamps. They are ineligible for the Medicare program. They are ineligible for the SCHIP program. And you are talking about tremendous preferences over U.S. citizens? Another bogus argument.

In closing, I would just say one sentence. In the end, this bill is less about the kids who deserve to benefit from the legislation than the country that will get the benefit of having them use their skills and their talents on our behalf. I urge an ''aye'' vote.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my strong support for H.R. 1751, the American DREAM Act, a landmark bill that will provide hope and opportunity to hundreds of thousands of young people in our country.

Mr. Speaker, we all know that America's immigration system is broken and badly in need of reform. While H.R. 1751 may not make all the changes necessary to repair our system, it does take an important step forward by fixing one of the most unfair aspects of our immigration laws. Under current law, undocumented immigrants who came to this country before the age of 16, brought by their parents and loved ones, are punished by being prevented from becoming citizens of the United States.

I have seen the injustice of this law firsthand. Just last year, Rigo Padilla, one of the top students at Noble Street Charter High School, was detained and scheduled for deportation by immigration officials when authorities learned that he was undocumented. Rigo came to the United States at the age of six and has since excelled in the classroom. Rigo is precisely the type of person we want to support in the United States and yet our immigration laws consider him an ''outlaw.''

The American DREAM Act would change this unjust law by giving students who have good moral character and have lived in the U.S. for at least five years the opportunity to go on to college and/or enroll in America's armed services, regardless of their immigration status. I strongly believe that all youth residing in this country should have access to all military and educational opportunities available. In the vast majority of cases, immigrant students and soldiers will continue to reside in this country for most, if not all, of their adult lives, and it is important that we provide them with all the tools necessary to become full participants in and contributors to our society.

I would like to thank my good friend LUIS GUTIERREZ for his tireless efforts on behalf of all immigrants in America today. I also want to acknowledge the incredible hard work of countless youth activists across the country who campaigned for this bill. It is because of their work that the American DREAM Act is one step closer to becoming a reality. I strongly urge my colleagues to support this important bill.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 5281, the Development, Relief and Education for Alien Minors (DREAM) Act of 2010. First and foremost, I want to thank the chief sponsors of this legislation, my good friends, Congressman BERMAN of California and Congressman LINCOLN DIAZ-BALART of Florida, and all the cosponsors of this important legislation. I also want to thank Speaker NANCY PELOSI for her leadership on this issue. This is an important piece of legislation because it will give many young people an opportunity to further pursue their education given their adverse circumstances.

The DREAM Act will give the many high achieving and talented youth an opportunity to further their education or serve our country. This legislation, through a two-tier process, will allow eligible unauthorized aliens to apply for temporary Legal Permanent Resident (LPR) status and eventually full LPR status after meeting strict criteria.

As unauthorized aliens, including overstayers, they will be eligible to apply for conditional LPR status as long as they are in good moral standing, qualify for years of residency and have been admitted to either an institution of higher education or enlisted in the U.S. Armed Forces.

There are many that have said that the DREAM Act will become an open-ended amnesty law but this is not true. Through the stringent requirements, the fact that those who are eligible already reside in the U.S. for many years, and a long-term probationary period prior to full LPR status will prevent others from trying to take advantage of our immigration laws.

According to the Congressional Budget Office, the DREAM Act will reduce the deficit by more than $2.2 billion dollars within the next 10 years. It will also improve our national economy by increasing our U.S. workforce and, importantly, it will assist our military recruiting efforts to ensure readiness and support for our U.S. Armed Forces.

It is only right that we provide humanitarian relief for the many children who were brought to our country illegally by their parents. We must not punish the children for the decisions of their parents for they had no say in the matter.

For these reasons, I urge my colleagues to support H.R. 5281.

Mr. BLUMENAUER. Mr. Speaker, I strongly support efforts to overhaul our broken immigration system. This is no easy task and it remains a contentious issue for many people. We should not allow the failures of the past to prevent us from finding a path forward.

Comprehensive immigration reform legislation must reduce wait-times for people trying to follow our immigration laws. It should simplify and stabilize an effective guest worker program, give employers the resources they need to hire a legal workforce and better tools to uphold our laws. It must address border security. And it must bring into fold the 11 million people currently living in our country without documentation.

Passing the DREAM Act is an important step toward achieving comprehensive immigration reform and I am proud to support this legislation. It recognizes that many children are brought to the U.S. and who are not citizens are nonetheless working hard on their future. In many respects our futures are the same. The DREAM Act is an important step not just for the welfare and future of these young people, but for the welfare and future of America.

These are children and students who have grown up in the U.S., who are part of our country, who have succeeded in school and stayed out of trouble, who are committed to going to college or joining our armed forces. We should welcome them. This is what the American Dream is all about.

Issues of fairness aside, there are very practical reasons to support this legislation:

Our military supports the DREAM Act because it improves military readiness, which is why Colin Powell and Robert Gates both support the legislation and why it is reflected in the Defense Department's strategic plan;

By integrating these young people into our economy, the CBO reports that the DREAM Act will reduce our deficit by $1.4 billion over the next 10 years;

Increasing the number of people going to college or achieving careers in our armed forces will expand our economy, which will increase opportunities for everyone.

I look forward to voting in favor of this important legislation.

Ms. ESHOO. Mr. Speaker, the American Dream is the dream of immigrants. It is the belief that our nation invests in those who possess the best ideas, the best work ethics, and the smartest business plans. It is the faith that our actions, not our ancestry, determine what we can achieve. The American Dream is when the daughter of immigrants can grow up and serve in Congress.

Across our country, millions of children who have lived here most of their lives—and know no other home—are denied access to their American dreams. These children live under threat of deportation because of their parents' actions, not their own. It is wholly un-American to punish the child for the father's sins.

The DREAM Act updates our laws to reflect the principles of our nation and preserve access to the American Dream for these children. The bill creates a path to legalization, dependent upon good moral character, hard work and service. In other words, American values.

In my Silicon Valley District, many foreign-born entrepreneurs have built uniquely American businesses—Google, Intel, and Yahoo, to name a few. These companies and many like them have grown our nation's economy, spread our influence, and created hundreds of thousands of jobs for our citizens. These are the fruits of the American Dream.

With the passage of the DREAM Act, children across our nation will have the opportunity to be the next great business leader and create the next big idea. Our entire society will benefit from it. Please join me in voting yes.

Mr. GALLEGLY. Mr. Speaker, I rise in strong opposition to this bill.

Make no mistake, this bill is an amnesty for people who are in this country illegally. This will only encourage other people to send their children across the border illegally in the hope that Congress will grant another amnesty in the future.

At a time when the unemployment rate is 9.8 percent, this Congress will actually force American workers to compete for jobs with at least two million additional people. It defies common sense to argue that this will not drive up the unemployment rate and drive down wages and working conditions for legal workers.

The workers granted amnesty will not just be competing for jobs, but for admissions to good colleges, housing, health care, education, and other services. It defies common sense that this bill would not have a serious, negative impact on our economy, our workforce, our schools, our hospitals, and our communities.

I urge my colleagues to oppose this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise today to discuss the urgent immigration crisis facing our nation and to ask my colleagues to join me in support of H.R. 5281, the Development, Relief, and Education of Alien Minors Act.

We have all heard the numbers: an estimated 12 million undocumented immigrants forced to live under a broken U.S. immigration system; more than 400,000 people each year entering this country illegally, side stepping those who follow the rules and try to come here the right way.

But these numbers do not fully reflect the human suffering, economic disadvantage or threat to our national security that this failed system has created.

Immigrants coming to this country illegally often face a terrible choice: endure crippling poverty and danger to themselves and their families in their home country, or abandon their homes to try and find work and build a new life here. For most Americans, their parents, grandparents, or ancestors brought their families to the U.S. in search of a better life. Those who bring their young children here today put themselves and their families at risk for the same reasons that immigrants did so generations ago. Children who are brought here illegally now are often forced into a life in the shadows of a country they will most likely know as their only home.

The DREAM Act establishes a rigorous, decade-long process that would create a path to citizenship for those children by serving in the Armed Forces or pursuing a college education. DREAM Act participants would not be eligible for federal programs, such as Medicaid or Pell Grants, while they are in conditional status. Additionally, this bill will not encourage continued illegal immigration because it does not apply to children brought here illegally in the future—only those who have lived here for at least five years. It is a bipartisan, common-sense solution that would give children who were raised here an opportunity to contribute to our nation.

While the policy arguments for this bill are strong, I want to share part of a letter I received from a 17 year-old constituent who described the personal toll of living in the shadows and what passage of the DREAM Act would mean to him. He was brought to this country illegally from Guatemala when he was 7 years old by parents who were seeking a better life for his disabled brother. He wrote, ''I don't blame my mother or father for bringing me here. I completely understand why they did it . . . I have always had to understand so many things at just a young age that I feel older than I am. What I was not capable of understanding was how hard it would be not having legal status in this country. Now I am seeing how hard it is not being able to get a job so that I can help my mom . . . or apply to a college. In a way it makes me feel so much less of a person compared to my classmates. I still can't see what makes my friends be able to have a job or take driver's ed just because they have a social security number and not me. In my eyes we're the same. I have the same potential that they have, but yet I have to stay in this shell and not be able to reach the goals that I have set for myself.''

This young person has illustrated better than I ever could how critical an issue this is for our country. Our proud immigrant communities in Rhode Island have shown the great benefit they bring to our economy and heritage, both in the past and present. If there is one thing we can all support, it should be a national policy that continues to attract the best and the brightest who want to contribute to this country and our ideals. Unfortunately, the reality is that our system today forces a large section of our immigrant population into the shadows where they are trapped in a life of illegitimacy and America does not fully see the benefits of their talents.

It is for all these reasons that I have long supported the DREAM Act. This Act is targeted at the most highly motivated young individuals, with no criminal background, who were brought to this country and raised here under no fault of their own. These children have worked hard in school, and they are eager to contribute more by pursuing higher education or military service, and this bill will help them achieve their dreams, while strengthening our society, our economy and our security. These young people deserve the opportunity to resolve their immigration status and we as a nation need their contribution to our country. I want to thank Chairman BERMAN for his tremendous leadership on this issue and urge my colleagues to pass this bill.

Mr. REYES. Mr. Speaker, I rise today to convey my strong support for the latest version of the DREAM Act.

This common-sense legislation will significantly reduce the burdens on our federal border law enforcement by allowing them to focus on more serious targets who are in this country illegally and may pose a security threat to the United States. Providing a limited incentive for young people (who have significant potential to contribute to our economy and Armed Forces) to come forward and identify themselves is a pragmatic solution that will have a meaningful impact on our nation's immigration enforcement efforts. As a 26-year veteran and former Sector Chief of the United States Border Patrol, I strongly believe that the failure to address this problem at this critical juncture will only undermine our security in the years ahead.

I am particularly disappointed by those who have characterized this sensible legislation as ''amnesty'' and a threat to our national security. As the only Member of Congress who has patrolled our nation's southern border, I know this measure will support the men and women who work hard every day to enforce our nation's immigration laws. The DREAM Act sets forth reasonable requirements for undocumented children that will enable federal law enforcement to quickly identify them, and allocate more time and resources to the threats that genuinely pose a security risk to our nation.

By focusing on those individuals who may pose a more serious risk, instead of young people who could make a valuable contribution to the economic and military security of our nation, the DREAM Act is a major step forward in making our nation safer. I strongly urge your support of this important legislation.

Mr. TOWNS. Mr. Speaker, I rise today to show my support for a piece of immigration reform that is long overdue: The American DREAM Act. In my district, as in the rest of the country, the children of immigrants are being denied the benefits of education and a future they once believed in.

Under our current laws, children of immigrants are able to attend American elementary and high schools, but hit a glass ceiling when faced with the prospect of higher education. This is because their immigration status precludes them from opportunities that make college education affordable, such as in-state tuition and federal loans. If an individual is placed into a circumstance without choice, I ask, is it right to force that person to spend the rest of his life paying the consequences?

The American DREAM Act offers a swift and appropriate means of reforming this flaw

in our nation's immigration laws. If enacted, individuals who were brought to the United States before they were 16 can become permanent residents when they are admitted to an institution of higher education or serve for 2 years in the military.

While several similar bills have been introduced in recent Congresses, this reform has not had the opportunity to succeed until now.

This nation was built by immigrants and we should encourage those who want to become Americans to pursue education. It is time to take initiative; let us help millions of young people take a step towards achieving the American dream. Let us pass the American DREAM Act.

Ms. HARMAN. Mr. Speaker, occasionally in politics, and in life, unusual allies surface. Former Bush speechwriter and well-known conservative Michael Gerson has embraced the Dream Act—legislation that would provide a path to citizenship for young people who, through no fault of their own, were brought to this country illegally.

In a Washington Post column titled "How the Dream Act Transcends Politics" Gerson not only endorses the legislation, he blows out of the water every cynical argument for denying citizenship to this group of young people while also making the case that the bill is good politics for his party.

Gerson writes: "It would be difficult to define a more sympathetic group of potential Americans. They must demonstrate that they are law-abiding and education-oriented. Some seek to defend the country they hope to join. The Defense Department supports the Dream Act as a source of quality volunteers. Business groups welcome a supply of college-educated workers. The Department of Homeland Security endorses the legislation so it can focus on other, more threatening, groups of illegal immigrants."

Applicants for normalization under the Dream Act must be high school graduates or have received a GED. They would be awarded conditional legal status for six years, during which they must serve at least two years in the military or complete two years of college. Failure to meet the requirements would cause them to lose their legal status and face possible deportation.

Far from rewarding illegal behavior or creating an incentive for "future lawbreaking," Gerson rightly notes that this group of immigrants, "categorized as illegal, have done nothing illegal. They are condemned to a shadow existence entirely by the actions of their parents. And the Dream Act is not an open invitation for future illegal immigrants to bring their minors to America. Only applicants who have lived in America continuously for five years before enactment of the law would qualify."

Gerson cites the Congressional Budget Office, which estimates the Act would reduce the deficit by $1.4 billion over the next decade due to increased tax revenue. He refers to a UCLA study, which finds that Dream Act beneficiaries would generate $1.4 trillion to $3.6 trillion in income during their working lives.

Gerson asks, rhetorically, if Dream Act beneficiaries would ultimately be an advantage to America or a drain. His answer to his own question: "It is a principle of democratic capitalism and non-Malthusian economics that ambitious human beings are not just mouths but hands and brains. They are a resource—the main source of future wealth."

He writes: "The Dream Act would be a potent incentive for assimilation. But for some, assimilation clearly is not the goal. They have no intention of sharing the honor of citizenship with anyone called illegal—even those who came as children, have grown up as neighbors and would be willing to give their lives in the nation's cause."

I applaud Mike Gerson for his honesty and political courage. Everyone in this Chamber is familiar with the saying that politics makes strange bedfellows. Well, so does the Dream Act. I am a proud cosponsor, and urge its passage.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 5218, the Development, Relief, and Education for Alien Minors (DREAM) Act of 2010.

Our Nation was founded on the powerful ideals of freedom and tolerance. These are values that still elude other nations to this day, which is why the American Dream endures in the minds of so many around the world. As an immigrant to this country myself, I know the power of that dream. That I could become a member of the People's House shows that the dream can come true.

The DREAM Act would provide conditional nonimmigrant status to a specific and narrow class of young individuals who must then meet tight program deadlines and rigorous requirements. Every person who is eligible for this status has already been in the United States and has been for many years. This bill allows them a path forward to making a real life for themselves in their home country, America.

The DREAM Act is supported by educators, religious leaders, and social service organizations from across the spectrum. I include for reprinting in the CONGRESSIONAL RECORD, a letter I have received from Papa Ola Lokahi, a non-profit organization that promotes the health and wellbeing of Native Hawaiians, in support of the bill. It is also worth noting that the Department of Defense's strategic plan recommends the enactment of the DREAM Act to help the military "shape and maintain a mission-ready All Volunteer Force."

I want to share the story of Mohammed Abdollahi, one of the first undocumented students to risk the possibility of deportation to illustrate the real life import of the bill before us today. Mohammed came to America from Iran as a three-year-old when his father was accepted for a Ph.D. program at the University of Michigan. But due to an error in the processing of an immigration form—the family paid $20 less than required—their application to stay in the U.S. was rejected. Mohammad, now 24 years old, is a product of the public education system of Michigan, graduating from both high school and community college in that state.

As a young gay man, Mohammed risked the possibility of deportation to a country where he knows neither the language nor the culture—and worse, where homosexuality is punished with torture and executions. He so strongly believes in the DREAM Act that he risks everything, including his very life, to ask that we, the Congress, support this bill.

There are thousands of young people, including in Hawaii, whose stories I have heard who came to this country as a young person and are now facing the nightmare of deportation.

I urge my colleagues to have the courage to do what is right for Mohammed and other high-achieving and patriotic students like him and vote for the DREAM Act.

PAPA OLA LOKAHI,
Honolulu, Hawaii, December 1, 2010.

Hon. MAZIE HIRONO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HIRONO: As leaders of the diverse Asian American and Pacific Islander (AAPI) community, we write to urge you to vote for the DREAM Act should this important legislation come to the floor of the United States House of Representatives. With Asian immigrants comprising roughly 40 percent of all immigrants, passage of the DREAM Act, as a stepping stone towards comprehensive immigration reform, is a top priority for the AAPI community.

The DREAM Act would create a path to legalization for individuals without documentation who were brought to this country as children, by no choice of their own, and have since excelled in high school and chosen to serve in our nation's armed forces or pursue higher education. The DREAM Act is aptly named because it would allow these talented individuals the opportunity to become citizens and fully contribute to America.

Passage of this important legislation makes sense for America's economy and our national defense. According to a recent study conducted by UCLA, the combined income generated by individuals who would be eligible for adjustment of status under the DREAM Act would amount to $3.6 trillion over the next 40 years. The Department of Defense acknowledges the importance of the DREAM Act and lists passage of the bill as pail of the Department's strategic plan in order to maintain a mission-ready volunteer military.

More than the economic benefits of the DREAM Act, passing this legislation is the right thing to do, There are an estimated 65,000 students who graduate from high school every year without legal immigration status—including many Asian American and Pacific Islander students. In the University of California system alone, approximately 40–44% of the undocumented student population is AAPI. David Cho, a Korean-American honor student and leader of the UCLA marching band, who hopes to join the U.S. Air Force upon graduation, is just one of the students who would benefit from the DREAM Act. Steve Li, a Chinese-American nursing student from San Francisco whose parents fled China to avoid that country's one-child policy, faced imminent deportation until Senator Feinstein introduced a private bill delaying his removal. A college honor student who dreams of giving back to the U.S. by becoming a doctor, Joanna Kim, also faces deportation and the DREAM Act is her best hope for gaining legal status. These young people embody our American values of hard work and giving back to society.

Now is the best opportunity we have to pass the DREAM Act and take one small step toward comprehensive immigration reform. The DREAM Act is an excellent opportunity for Congress to show voters they can, and will, work together to fix our broken immigration system. These high- achieving students deserve a chance to contribute fully to the U.S. and pursue the American Dream. We urge you to vote for the DREAM Act.

Sincerely,

HARDY SPOEHR,
Executive Director.

Me ka oia 'i' o,

MOMI IMAIKALANI FERNANDEZ,
Census Information Center and
Data & Information, Director.

Mr. STARK. Mr. Speaker, I rise today to support the Development, Relief, and Education for Alien Minors, DREAM, Act of 2010.

Today we can open the door of opportunity to thousands of young people already living in America, who want to pursue the American dream.

Let us be clear about what this bill actually does. It will provide children and young people with the ability to serve their country or pursue higher education. It is not amnesty and it will not promote illegal immigration. This is a bipartisan bill that will provide a narrow group of undocumented young people who were brought to this country as children the chance to earn conditional permanent residency.

This bill sets up a rigorous ten-year process for achieving legal permanent resident status. It will not apply to any future immigrants, only those who are already in our country and meet several other conditions. A person can only qualify if he or she was brought to the United States by age 15, is under 29 years of age, has lived in the country for at least five years at the date of the bill's enactment, has good moral character, is without a criminal record, and has earned a high-school diploma, and its equivalent is eligible for conditional legal status. To maintain their status, these individuals have to complete two years of higher education or military service. After ten years, they can apply to become legal permanent residents. Beneficiaries are not eligible for any federal benefits, including food stamps, welfare, or health care.

The DREAM Act will boost our economy by creating economic opportunity for young people. The individuals that benefit from this bill will start businesses, buy homes, and pay taxes. Do we really want to be the country that deports the next Bill Gates or shuts out the next Steve Jobs from our school system because of their parents' immigration status?

Most importantly, this legislation recognizes that children must not be punished for the actions of their parents. Our immigration system must be fundamentally reformed, but denying an education and a place in our workforce to the children of undocumented parents will not help fix a broken system.

Every child deserves an education and a chance to succeed, no matter where they come from or what situation they are born into. Our country's top educators, military men and women, and business leaders all support this bill, and we should listen to them. I urge my colleagues to join me in supporting the DREAM Act.

Mr. ACKERMAN. Mr. Speaker, I rise today to urge my colleagues to support the DREAM Act. Simply put, the DREAM Act is an investment opportunity in our nation's future. Providing thousands of children the chance to legalize their status by either attending college or serving in our Armed Forces strengthens our economy by creating a new generation of Americans paying into Medicare and Social Security; it creates a new generation of Americans that are educated to compete in a high-tech future. And, most importantly, it empowers a new generation of Americans to further contribute to their communities and our country.

Mr. Speaker, I ask my colleagues who are opposed to this bill, why they insist on punishing children because of a decision not made by them. Many of these kids know no other country other than America, know no other language other than English, and know no other dream than the American dream. They never controlled their immigration status. It's not any more their fault that this is their country than it is the fault of your children that they are here. For many, they have never considered themselves anything but American.

For instance, one of my constituents from Corona, Queens, was legally brought to this country on a visitors visa by his father when he was just five years-old, but overstayed the length of his visa and is now undocumented. Ironically, his father is now a U.S. citizen, as are his siblings who were born in the United States. Now a young man, he was graduated from a prestigious local high school in June with honors. He was a star baseball player and outstanding role model in the community. Mr. Speaker, how is it in our national interest to place barriers between this student and a higher education? Let's not penalize him for an immigration status he did not choose. Let's not deprive our nation of the contributions he makes to our economy.

This is no amnesty bill. This is no free ride. They will get no unpaid benefits. DREAM Act beneficiaries must submit to security and law enforcement background checks, must be of ''good moral character'' as defined by law, undergo a medical examination, register for the Selective Service, and pay a significant fee in connection with the DREAM Act application. DREAM Act participants are excluded from the Affordable Care Act health-insurance exchanges. They are prohibited from receiving Pell Grants, Medicaid, Food Stamps, and other entitlements, and must pay their taxes. Under the act, after ten years of conditional non-immigrant status, this selective group of dedicated students can then, and only then, apply for a green card.

There is no contradiction in supporting the DREAM Act and enforcing immigration law. We can enforce the law, strengthen our borders, which we are doing, and have a humane and just immigration policy that doesn't needlessly deprive a generation of children of a higher education. These kids want to attend college. They want to serve their country. They want to be Americans. It is in our best interest to invest in them and give them that opportunity.

I urge my colleagues to join me in supporting this investment in the future of our nation and to support the DREAM Act.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of the ''American DREAM Act.'' I am proud to be a co-sponsor of this important legislation which reflects fundamental American values of opportunity, responsibility, and community. This legislation provides an opportunity for certain young men and women who demonstrate the responsible behavior necessary to earn the chance to become a naturalized citizen.

Specifically, the DREAM Act provides conditional permanent resident status to a limited number of persons each of whom must meet the following conditions:

1. Was brought to the United States when they were 15 years old or younger;
2. Has lived in the United States for not less than 5 years before the date of enactment;
3. Has been a person of good moral character, as defined by the Immigration and Nationality Act;
4. Must have graduated from high school, earned a General Education Development (GED) certificate, or admitted to an institution of higher education.

After 6 years in conditional permanent resident status, they can apply to remove the condition on their permanent residence if they have met the following conditions:

1. Maintained good moral character;
2. Have not abandoned residence in the United States; and
3. Graduated from a community college or has completed at least two years of postsecondary education in good standing towards a bachelor's degree; or
4. Served in the U.S. armed forces for at least two years and, if discharged, has received an honorable discharge.

The DREAM Act recognizes that there are a limited number of young people who, through no fault of their own, have been living in the United States illegally since childhood. For the vast majority of these young men and women, the United States is the only country they have ever known and is the one to which they have always pledged allegiance.

By providing those who have demonstrated good moral character the ability to integrate fully into American society through military service or a college education, the DREAM Act rewards responsible and productive behavior while at the same time invests in the future prosperity of our great nation.

I thank Chairman MILLER for his leadership in shepherding this bill to the floor and Congressman BERMAN, the author of this legislation, for crafting this legislation and for his perseverance over the past decade to get it passed. Because of their efforts the action we take today will make our country stronger, fairer, more just. And it will also make our Nation more prosperous in the long term by providing incentives and opportunities for higher education for thousands of students who each year are unable to attend college because of their immigration status.

The Congressional Budget Office estimates that the DREAM Act will reduce the deficit by $1.4 billion over the next 10 years through increased tax revenue. Similarly, a study conducted by UCLA also estimates that DREAM Act beneficiaries have the potential to generate from $1.4 trillion to $3.6 trillion in income throughout their working lives.

Each year, approximately 65,000 students graduate high school without the possibility of continuing their education due to their immigration status and less than 10 percent of these students will go on to pursue college. Not only do these talented, law-abiding young individuals lose out on their extraordinary potential, but as a Nation we also run the risk of losing out on a tremendous amount of economic growth.

Mr. Speaker, the American Dream Act gives these students the opportunity to continue their academic pursuits, be officially recognized by the country in which they have spent most of their lives, and realize everything the American Dream has to offer. Young, undocumented immigrants who have just graduated from high school deserve the opportunity to follow their dreams and should not have a ceiling placed on their future because of decisions made by others and circumstances entirely beyond their control.

During my visits to schools in my district, one of the most ethnically diverse in the nation, I have had the opportunity to meet many students who will benefit greatly from the passage of this legislation. These students have grown up attending schools in the United States and are intimately woven into our nation's fabric. It is time that we recognize these

students' achievements and allow them to step out of the shadow that prevents them from pursuing their dreams.

Mr. Speaker, when I was six years old I had a dream. It was to one day serve in this body as a Member of Congress. I am thankful to live in a country where dreams can still come true for little boys and girls who work hard and play by the rules. The DREAM Act will allow a limited number of innocent and worthy young men and women to realize their dreams and in the process make our nation better, stronger, and safer. That is why this legislation is strongly supported by the military services, the faith community, the business community, leading higher education organizations, and thoughtful commentators on both sides of the aisle, including the Wall Street Journal and the New York Times.

I urge my colleagues to join me in supporting the American DREAM Act.

Mr. HOLT. Mr. Speaker, I rise today in support of this bill.

There is no indication that we are closer to resolving the various interconnected problems of immigration that is roiling our country. I am disappointed that Congress has failed to pass comprehensive immigration reform. It is doubtful that Congress will pass such a bill this year, which is why I am glad the House is at least moving this very important and compassionate legislation.

As I have said on many occasions, I oppose illegal immigration and I am concerned about the influx of illegal immigrants into America. I am also concerned about the lack of effective border enforcement. We need to ensure that our first priority is securing our borders by providing additional tools and resources to those who patrol the border, and the 111th Congress has provided more funding for the Customs and Border Patrol than any other Congress in history. I believe we need to fully and effectively enforce our immigration laws, and I oppose blanket amnesty for those who have illegally come into the United States.

Unlike an earlier version of this legislation, the bill before us today does not automatically grant lawful permanent resident (LPR) status to anyone covered by the bill. Under the new House bill, conditional nonimmigrants must meet the bill's college or military service requirement after 5 years, at which point they must file a new application to extend their status for 5 additional years. Only after 10 years as a conditional nonimmigrant may a DREAM Act beneficiary apply for legal permanent resident status.

The bill also charges DREAM Act participants a significant surcharge of $525 upon filing an initial application for conditional nonimmigrant status and an additional surcharge of $2,000 when they apply to extend their status at year 5. Previous versions of the DREAM Act—including the most recent Senate bill—had no such surcharges. Additionally, the bill does not change the current federal restriction on in-state tuition for undocumented immigrants. Finally, only individuals who were brought to this country by their parents before they were 15 years old and who have been here at least five years and are age 29 or younger at the time of enactment are even eligible to apply for conditional nonimmigrant status under the legislation. Thus, this bill provides no amnesty and is most definitely not a "free ride" for illegal immigrants.

H.R. 6497 would provide an opportunity for students who grew up in the United States a chance to contribute to our country's well-being by serving in the U.S. Armed Forces or pursuing a higher education. Passing this bill is the right thing to do—morally and economically. The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) estimates that the bill will reduce deficits by approximately $1.4 billion over the next ten years. But that figure alone underestimates the enormous benefits to taxpayers because the CBO and JCT do not take into account the increased income that DREAM Act participants will earn due to their legal status and educational attainment. It is estimated that the average DREAM Act participant will make $1 million over his or her lifetime simply by obtaining legal status, which will bring hundreds of thousands of additional dollars per individual for federal, state, and local treasuries.

Indeed, as the Wall Street Journal editorialized last month,

"The Dream Act would create a pathway to citizenship for undocumented immigrant children who attend college or join the military. . . . Restrictionists dismiss the Dream Act as an amnesty that rewards people who entered the country illegally. But the bill targets individuals brought here by their parents as children. What is to be gained by holding otherwise law-abiding young people, who had no say in coming to this country, responsible for the illegal actions of others? The Dream Act also makes legal status contingent on school achievement and military service, the type of behavior that ought to be encouraged and rewarded "

I agree, which is why I will support this bill and urge my colleagues to do likewise.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, the United States of America has a proud tradition of diversity. We are, after all, a nation of immigrants.

Yet we are also united by the American Dream—the ideal that all Americans, regardless of the circumstances of their birth, have the opportunity to prosper and succeed.

Note that the dream is not that everyone will be affluent, but that everyone will have the chance to achieve great things.

That is exactly what the DREAM Act offers to a select group of hard working young people. It applies only to those who were raised in the United States and went on to further their education or serve in the military.

It allows individuals who are truly outstanding to continue contributing to our nation's prosperity, without punishing them for the decisions of their parents or other relatives.

Let me be perfectly clear—this is not an amnesty program. The individuals covered by the DREAM Act are not being offered citizenship.

Initially they are assigned a conditional status, during which they are not eligible from most forms of government assistance. This includes Medicaid, food stamps, and federal grants.

After ten years, this limited group would be offered a chance or earn permanent immigrant status.

This is available only if the applicant can prove he or she has paid taxes; can read, write and speak in English; has maintained a good moral character; has lived continuously in the United States; and has either pursued higher education or military service.

He or she must also demonstrate that they are not likely to be deported, as this program is not meant to be a safe harbor for deportees.

Individuals who have benefited from the DREAM Act would be extremely constrained in their ability to sponsor family members for United States citizenship.

There is also a strict time limit—an individual must apply for conditional status within a year of graduating high school, entering college, or the date of the bill's enactment.

As you can see, the path laid out by this legislation is not an easy one.

There will be many individuals who want to take advantage of this program who will be denied.

There will be others who are inspired to greater heights of achievement, with the hope of attaining permanent immigrant status.

Our nation will only benefit from encouraging and retaining these exceptional young people. To do otherwise would belie the promise of the American Dream.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1756, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. CONYERS).

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

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion offered by the gentleman from Michigan will be followed by a 5-minute vote on the motion to suspend the rules and pass H.R. 3353, if ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 198, not voting 20, as follows:

[Roll No. 625]

YEAS—216

Ackerman	Cummings	Gutierrez
Adler (NJ)	Davis (AL)	Hall (NY)
Andrews	Davis (CA)	Halvorson
Baca	Davis (IL)	Hare
Baldwin	Davis (TN)	Harman
Bean	DeFazio	Hastings (FL)
Becerra	DeGette	Heinrich
Berkley	DeLauro	Herseth Sandlin
Berman	Deutch	Hill
Bishop (GA)	Diaz-Balart, L.	Himes
Bishop (NY)	Diaz-Balart, M.	Hinchey
Blumenauer	Dicks	Hinojosa
Boswell	Dingell	Hirono
Boyd	Djou	Hodes
Brady (PA)	Doggett	Holt
Braley (IA)	Doyle	Honda
Brown, Corrine	Driehaus	Hoyer
Butterfield	Edwards (MD)	Inglis
Cao	Edwards (TX)	Inslee
Capps	Ehlers	Israel
Capuano	Ellison	Jackson (IL)
Cardoza	Engel	Jackson Lee (TX)
Carnahan	Eshoo	Johnson (GA)
Carson (IN)	Etheridge	Johnson, E. B.
Castle	Farr	Kagen
Castor (FL)	Fattah	Kennedy
Chu	Filner	Kildee
Clarke	Foster	Kilroy
Clay	Frank (MA)	Kind
Cleaver	Fudge	Klein (FL)
Clyburn	Garamendi	Kosmas
Connolly (VA)	Giffords	Kucinich
Conyers	Gonzalez	Langevin
Cooper	Gordon (TN)	Larsen (WA)
Costa	Grayson	Larson (CT)
Courtney	Green, Al	Lee (CA)
Crowley	Green, Gene	Levin
Cuellar	Grijalva	

Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Woolsey
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costello
Crenshaw
Critz
Culberson
Dahlkemper
Davis (KY)
Dent
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Higgins
Hoekstra
Holden
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kanjorski
Kaptur
King (IA)
King (NY)
Kingston
Kissell
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paul
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rahall
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Schrader
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Stupak
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Berry
Bilbray
Blunt
Buyer
Cohen
Delahunt
Fallin
Gingrey (GA)
Granger
Griffith
Kilpatrick (MI)
Kirkpatrick (AZ)
Marchant
Marshall
McMorris Rodgers
Mollohan
Radanovich
Schiff
Stutzman
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining on this vote.

□ 2101

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Madam Speaker, on rollcall No. 625, I am not recorded because I was unavoidably detained. Had I been present, I would have voted "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

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 amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4994. An act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3036. An act to establish the National Alzheimer's Project.

A message from the Senate also announced that the Secretary be directed to communicate to the Secretary of State, as provided by Rule XXIII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, and also to the House of Representatives, the judgment of the Senate in the case of G. Thomas Porteous, Jr., and transmit a certified copy of the judgment to each.

JUDGMENT

The Senate having tried G. Thomas Porteous, Jr., U.S. District Judge for the Eastern District of Louisiana, upon four Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of the charges contained in (Article I/Article II/Article III/and Article IV) of the Articles of Impeachment: It is, therefore,

Ordered and adjudged, That the said G. Thomas Porteous, Jr., be and he is hereby, removed from office; and that he be, and he is hereby, forever disqualified to hold and enjoy any office or honor, trust, or profit under the United States.

TREATING AMERICAN SAMOA AND NORTHERN MARIANA ISLANDS AS SEPARATE STATES FOR CERTAIN CRIMINAL JUSTICE PROGRAMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3353) to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs.

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.

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.

□ 2110

AG JOBS

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

Ms. CHU. Mr. Speaker, toiling on America's farms is no easy job. Few people are willing to endure the heat, cold and misery of stooping in the fields—or the low wages. Today, an estimated 75 percent of the farming workforce is undocumented. This is bad for everybody.

Undocumented workers are easy prey for exploitation and are unable to assert their rights. Farm workers talk of unbearable heat, poor living conditions, even abuse; and they have no one to turn to for help. Growers complain about the labor shortages that can spoil their crops. I have heard how farms struggle to maintain reliable, legal workforces to prune, pick and pack food for America's tables.

Farm workers and growers need immediate relief to ensure that agriculture, especially in California, continues to thrive. That solution is ag jobs. Now that the House has passed the DREAM Act, I urge the Senate to pass both bills soon so farms can continue to operate, and students can achieve their dreams as we work on a permanent fix for this broken system.

PROHIBITING OFFSHORE ENERGY DEVELOPMENT

(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, in 2008, the President and the House of Representatives lifted the 24-year-old moratorium on offshore oil and gas production on most of our Atlantic and Pacific coasts. Back in March, President Obama pushed for offshore oil drilling in the eastern Gulf of Mexico and the Atlantic coast through 2017. Then in April, the BP oil spill happened. That disaster is certainly a cautionary tale.

Yet, in the first week in December, Secretary of the Interior Ken Salazar, without an act of Congress or a Presidential executive order, single-handedly prohibited offshore energy development from 2012 to 2017—a 5-year plan for offshore leasing. In reality, this change means no new production can even begin until 2022, if then.

That is not the way to reduce our rising dependence on foreign oil or to solve our unemployment problem or our lack of economic growth. We must learn our lessons from the Gulf of Mexico oil spill and proceed with care—but we must proceed.

President Obama, through Secretary Salazar and strangulation by regulation, has set back our country's path to energy security by at least 12 years, which is certain to produce higher energy prices and to and increase our dependence on foreign imports—hardly sound energy policy.

WE MUST PASS THE SENIORS PROTECTION ACT OF 2010

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

Ms. JACKSON LEE of Texas. Mr. Speaker, it is great news that we gave an opportunity to young people today by passing the DREAM Act, but shame on us that we did not pass the Seniors Protection Act of 2010.

Democrats rallied to make a commitment to the Nation's seniors for a $250 refund as they listened to the horrible pronouncement that they would not get a cost-of-living increase. We owe them. We owe them because of the hard work that they have contributed over the decades to build this Nation. They have provided us with years and years of work, of investment and production and of part of the manufacturing history of this country.

How can we leave this session and not provide our seniors with relief?

So I call upon my colleagues to rally together for what is right for those seniors, who have carried the flag, who have fought in our wars, who have nurtured the sick, who have raised our children, and who have invested in America. It is time to pass the Seniors Protection Act of 2010. We should not leave this Congress and not finish this year without passing this relief for the seniors of America—patriots, deserving—all of them.

MEDICINAL MARIJUANA IS A MISNOMER

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

Mr. KAGEN. Mr. Speaker, I rise this morning, before everyone begins their conversations about tax cuts, about jobs, about immigration, to raise a serious health concern. You know, when I was brought up in northeast Wisconsin, my father taught me that if it's good for business, it's going to happen; I would just like it to be legal. And the subject I am going to mention here is the idea, the false idea of medicinal marijuana.

There is nothing safe about smoking. There is nothing safe about smoking an illicit product called marijuana. Marijuana is universally contaminated with a mold spore Aspergillus, Mucor, Penicillium, and other items that will harm human health.

This House, this body has do what's best for people. We need a healthy economy and we need healthy people at work. So don't make the mistake of thinking at any point in time that there is something safe about smoking medicinal marijuana, which is a misnomer.

So I look forward later today to passing House Resolution 1540 that addresses the illicit production of marijuana on Federal lands.

MARIJUANA SMOKING AND FUNGAL SENSITIZATION

(Steven L. Kagen, M.D., Viswanath P. Kurup, Ph.D., Peter G. Sohnle, M.D., and Jordan N. Fink, M.D. Milwaukee, Wis.)

The possible role of marijuana (MJ) in inducing sensitization to Aspergillus organisms was studied in 28 MJ smokers by evaluating their clinical status and immune responses to microorganisms isolated from MJ. The spectrum of illnesses included one patient with systemic aspergillosis and seven patients with a history of bronchospasm after the smoking of MJ. Twenty-one smokers were asymptomatic. Fungi were identified in 13 of 14 MJ samples and included Aspergillus fumigatus, A. flavus, A. niger, Mucor, Penicillium, and thermophilic actinomycetes. Precipitins to Aspergillus antigens were found in 13 of 23 smokers and in one of 10 controls, while significant blastogenesis to Aspergillus was demonstrated in only three of 23 MJ smokers. When samples were smoked into an Andersen air sampler, A. fumigatus passed easily through contaminated MJ cigarettes. Thus the use of MJ assumes the risks of both fungal exposure and infection, as well as the possible induction of a variety of immunologic lung disorders. (J Allergy Clin Immunol 71:389, 1983.)

The recreational and medicinal use of MJ has reached epidemic proportions. The National Institute on Drug Abuse has documented that nearly one in 10 American high school seniors use MJ on a daily basis.[1] Furthermore, a survey of adult and pediatric oncology centers reveals that a substantial population of patients receiving cancer chemotherapy are now encouraged to use MJ as an antiemetic.[2]

The medicinal use of MJ, however, is not without risks. MJ may contain toxic substances such as Agent Orange, phencyclidine, or paraquat, and outbreaks of salmonellosis and hepatitis B have been traced to MJ.[3–5] Similarly, Aspergillus has been cultured from MJ and has been considered the likely source of infection in patients who have developed invasive pulmonary and allergic bronchopulmonary aspergillosis.[6–8] Due to the widespread use of MJ by normal and immunodeficient individuals, we thought it important to evaluate its possible role as a source of exposure and sensitization to Aspergillus organisms. Preliminary results of our investigations revealed that MJ contains pathogenic, inhalable Aspergillus organisms that may sensitize the user.[9, 10] This article presents additional in vitro studies and further documents the spectrum of fungal organisms present in MJ.

MATERIALS AND METHODS

SUBJECTS

A total of 28 subjects were randomly selected to be evaluated for immunologic reactivity toward A. fumigatus, to which they may have been exposed while smoking MJ. Medical histories, physical examinations, cultures of their MJ, and serologic studies were performed. Ten age-matched individuals who denied ever having smoked MJ served as controls.

CULTURES

Samples of MJ were plated directly onto SGA, SGA with antibiotics, TSA, and TSA with novobiocin. SGA plates were incubated at room temperature and at 37° C, while TSA plates were incubated at 55° C. Plates were observed daily for growth of organisms. Any growth appearing was subcultured, purified, and identified according to standard methods.[11, 12]

IMMUNOLOGIC STUDIES

Precipitins. Serum precipitins against A. fumigants, A. flavus, and A. niger, the predominant cultured organisms, were evaluated by agar gel diffusion as previously described.[13, 14] Serum precipitin assays were also performed with routine culture filtrate antigens from Thermoactinomyces candidus and T. vulgaris, Mucor, and Penicillium species to better assess the significance of circulating precipitins to Aspergillus antigens in MJ smokers.

Abbreviations used

MJ: Marijuana
SGA: Sabouraud's glucose agar
TSA: Trypticase soy agar
CPM: Counts per minute
Con-A: Concanavalin A
PMN: Polymorphonuclear
THC: Delta-9-tetrahydrocannabinol

Lymphocyte transformation. Lymphocytes were obtained from peripheral blood by Hypaque-Ficoll centrifugation and suspended at 0.25 x 10^6 cells/ml in 0.4 ml of RPMI tissue culture medium (Gibco, Inc., Grand Island, N.Y.), using 15% pooled human plasma, with penicillin, streptomycin, and glutamine added. The cells were cultured with or without stimulants in a humidified atmosphere containing 5% CO_2, for 5 days, at which time 1 μCi of ^{3}H-thymidine was added. Twenty-four hours later the cells were harvested onto glass fiber filters. The incorporation of ^{3}H-thymidine was counted by scintillation counting and data were expressed as either total CPM or stimulation ratios (CPM experimental/CPM control). A positive result is defined as CPM >3000 and stimulation ratios >4.0, as previously described.[15] Antigens and mitogens employed included Con-A (Miles Laboratories, Inc., Elkhart, Indiana), A. fumigatus, A. niger, and A. flavus. The optimal final concentrations of mitogens were determined in preliminary experiments with either human or guinea pig lymphocytes (A.

fumigatus, 5 μg/ml; A. niger, 50 μg/m1; Con-A, 10 μg/m1).

FUNGAL INHALATION

MJ cigarettes were obtained from patients and attached to an Andersen air sampler via rubber tubing. The cigarettes were then lit and the smoke was drawn into the sampler, deposited onto plates, and cultured. Additional unlit MJ cigarettes were similarly assessed. Control samplings of laboratory air were also obtained.

RESULTS

The results are summarized in Tables I and II.

SUBJECTS

The study population consisted of 16 female and 12 male patients, ranging in age from 17 to 36 yr, including 18 tobacco cigarette smokers. The duration of MJ use varied from 6 mo to 14 yr, with a mean of 9 yr. The total number of MJ cigarettes smoked was estimated by multiplying the daily average by total duration expressed in days. Patient 1 had systemic aspergillosis and presented with complaints of fatigue, night sweats, and coughing episodes associated with MJ use. The chest film revealed bilateral interstitial infiltrates, and A. niger was cultured from sputum, nasal secretions, skin pustules, urine, and an open lung biopsy. Hematologic studies, immunoglobulin levels, and complement components were normal, and he was later found to have a defective PMN oxidative enzyme system.

Patients 2, 3, 4, 6, 27, and 28 admitted experiencing cough and wheezing after MJ exposure. Additionally, patient 6 experienced a ''chest cold'' for 2 mo, which included cough, thick brown sputum, and body aches, all of which disappeared shortly after discontinuing the use of 60 to 70 MJ cigarettes weekly. The remaining 21 patients had no history of immediate or delayed respiratory symptoms with MJ use.

CULTURES

Thirteen of 14 MJ samples contained potentially pathogenic fungi in various combinations. The flora consisted of A . fumigatus, A. flavus, A. niger, Mucor, Penicillium, and thermophilic actinomycete species in varying densities, but with Aspergillus predominating.

IMMUNOLOGIC STUDIES

Thirteen of 23 MJ-smoking subjects had precipitins against at least one of the Aspergillus antigens. In the control sample of 10 MJ-nonsmoking individuals, one had a precipitin line against A. fumigatus and A. niger ($p < 0.02$). There were no differences between the MJ-smoking group and the control group with regard to precipitins to antigens other than Aspergillus (Table II).

Significant blast transformation to A. niger in the MJ-smoking group occurred in only three of 23 subjects, whereas all demonstrated significant blastogenesis to Con-A, a nonspecific mitogen.

FUNGAL INHALATION

Fungal inhalation studies with MJ sample 25 revealed that both lit and unlit cigarettes allowed the passage of fungal spores. A. fumigatus in particular traveled through the MJ cigarettes unimpeded in both lit and unlit conditions. Control samplings of laboratory air were repeatedly negative for fungal growth.

DISCUSSION

MJ can now be found in nearly every high school in America, and in a growing number of medical communities. Several clinical trials employing THC and other cannabinoids present in MJ have demonstrated its potentially significant antiemetic effect.[16–21] Because serum levels of THC are best attained via inhalation, it has been advocated that THC and MJ be inhaled by oncology patients shortly prior to receiving' cancer chemotherapy.[18, 22] Our studies, however, have shown that illicit MJ must now be assumed to contain pathogenic inhalable fungi. As such, its use by immunosuppressed oncology patients should be discouraged.

The spectrum of fungi found in MJ included the following organisms: Aspergillus fumigatus, Aspergillus niger, Aspergillus flavus, Mucor, Penicillium spp, Thermoactinomyces candidus, and Thermoactinomyces vulgaris. When inhaled, these organisms are known to cause a variety of immune lung disorders, ranging from asthma, allergic bronchopulmonary aspergillosis and hypersensitivity pneumonitis to invasive systemic fungal infections in immunoincompetent hosts. In addition to identifying these fungi, we have demonstrated that A. fumigatus may be inhaled in contaminated MJ cigarette smoke.

TABLE II. PRECIPITINS TO ROUTINE ANTIGENS

	T. vulgaris	T. candidus	Mucor	Penicillium spp
MJ smokers	4/28	9/28	3/28	5/28
Controls	2/9	4/9	3/9	2/9

The presence of circulating precipitins to any given antigen is generally taken to mean that a significant immunologic exposure to that antigen has taken place. Aspergillus precipitins may thus arise from re peated antigenic inhalation, active colonization, or previous clinical or subclinical fungal infections. Of 23 MJ-smoking patients tested, 13 had precipitins to Aspergillus antigens. This 52% incidence is significantly greater than both our control group ($p < 0.02$) and the normal 3% to 10% incidence in populations reported by Chmelik et al?[29] Furthermore, there was no correlation between the presence of precipitins and the total estimated MJ exposure. Since 13 of 14 MJ samples contained at least one Aspergillus species and the contaminated MJ cigarettes were shown to deliver viable organisms, it is not unreasonable to assume that our patients acquired their precipitins from smoking MJ. We were, however, unable to determine whether pulmonary infections or colonizations were present in these patients, although both occurrences were possible.

In vitro cellular immune responses to Aspergillus antigens in aspergillosis, in contradistinction to serum precipitins, rarely correlate with disease activity.[30] Substantiating this, we found no correlation between blastogenesis to Aspergillus antigens and the presence of serum precipitins (Table I). Of special interest was the finding that our index case (patient I) possessed adequate cellular immune responses to A. fumigatus and A. niger antigens despite his disseminating systemic aspergillosis. Perhaps, because of his malfunctioning PMN enzyme system, he was unable to either completely metabolize Aspergillus antigens or sufficiently inhibit hyphal growth. The fungus would then be able to proliferate even though an active cellular immune response existed.

As illustrated by this patient, diseases induced by the inhalation of viable fungal spores depend primarily on the host's innate immune and metabolic capabilities. A defect in PMN metabolism, coexistent with fungal inhalation, may lead to the development of either systemic invasive mycoses or a fungus ball. We anticipate that future reports may continue to substantiate the already increasing incidence of systemic aspergillosis, especially if oncology patients continue to be exposed to MJ smoke.

The use of MJ thus assumes the risks of both fungal exposure and infection, as well as the possible induction of a variety of immune and infectious lung disorders. Given the extraordinary number of individuals estimated to be MJ smokers, the occurrence of these illnesses may well become more commonplace.

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SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TONKO). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Ms. WASSERMAN SCHULTZ 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 Texas (Mr. POE) is recognized for 5 minutes.

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

THE NIGHTMARE ACT

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

Mr. ROHRABACHER. Mr. Speaker, tonight this Congress passed the so-called DREAM Act. Several of us on the floor of the House said that this act would be more accurately referred to as the ''affirmative action amnesty act.''

The bill is a piece of legislation that the American people should pay close attention to, and they should see whether or not their Representatives in Congress are, indeed, representing their interests or if they are involved in supporting the interests of the people who are not citizens of this country and who have come here illegally.

□ 2120

Now in this case, this bill would not grant amnesty to all illegal immigrants, but instead, the reason it's called the DREAM Act is because it would legalize the status of several million illegals who are young people in our country. Well, what does several million new citizens—or should we say legal residents—of our country mean to the well-being of the American people? Yes, we understand that several million young illegals now made legal in their status would certainly be their dream, but what does it do to other Americans? What is the effect? Is it a dream or a nightmare? The American people need to look and see who voted for what and who is representing whose interests here.

I want to note that illegal immigration is probably one of the greatest threats to the well-being of my constituents, and they understand that. And I would think that people throughout our country understand that the quality of our education is going down, the quality of America's health care is going down, our personal security—meaning the security of our neighborhoods and our families—is going down as the criminal justice system is put under incredible strains by this massive flow of illegals into our country.

By legalizing the status of 2 million younger illegal immigrants, what we are doing is making sure that those people who are considering coming to our country illegally will certainly bring their children—all of them—with them, realizing that the chances are that if the American people see that someone's here illegally and is a young person, we now have set the precedent that we will legalize their status sometime in the future.

What we are really talking about is encouraging a massive flow of illegals into our country bringing their children with them. And what will that do to the education system of our country? What will that do to the health care requirements that people now are finding that their own health care facilities are overcrowded and that the budgets for providing health care to the less fortunate are being strained to the breaking point throughout the country?

This bill was done at the expense of the American people. The young people who they are helping, the young people who supposedly would be assisted in getting a college education if they go to school, they're going to have their status legalized. Yes, those people may be helped, but it is being done directly at the expense of the American people.

This is about as bad as it gets when we have Members of Congress that, instead of considering what this will do, what their actions will do in harm to their own constituents, have decided just to, yes, side with those people—who are wonderful people overseas. There is no doubt about most of the young people we are talking about, and most of the illegal immigrants coming into our country are wonderful people, but their well-being—we are not being selfish by suggesting that at a time of unemployment, a time when the budgets for all of our own programs are being strained to the breaking point, that we have to take care of our own people before we encourage other people to come here illegally.

I am proud that our country has a very liberal and open policy for immigration. We allow more legal immigrants into our country than any other country of the world. In fact, all of the other countries of the world combined do not permit the legal immigration into their societies as we permit into America. But if we don't watch out for our people, if we do not carefully look at this issue and try to say what is good for our people, our people will be severely damaged, and that will be the product of the DREAM Act. It will be the Nightmare Act of the American people.

Perhaps the worst element of this is this bill—and I know there are many people who are suggesting that that's not true, but it is true that this bill will provide an affirmative action status for those illegals who have been legalized who happen to come from a minority background. Now, most illegal immigrants who come here are Hispanics or some other minority. Thus, if their status is legalized, all of a sudden all of the laws that give preference to minorities in the United States, all of these preferences are provided to these people who were illegal just a few days ago.

We are not providing equality. What we're providing is that illegals now will take their spot at the head of the line when it comes to job training, when it comes to education and being accepted at universities. In terms of all of these types of programs in which racial preferences have been written into the law, these illegals will now have a status ahead of U.S. citizens. This is about as bad as it gets.

This Congress is supposed to represent the interests of the American people. In this case, the interests of the American people were betrayed with a misplaced value system being focused on the plight of, yes, some very deserving young people—several million of them—who are here illegally. I would hope that the American people take a look closely at this vote and realize what it signifies.

There are many people struggling right now in our country. Our social programs are strained to the breaking point. And yes, what happens when you legalize the status of several million young people and you make sure that these young people, many of whom are of a minority status, that they then receive the preferences written into our

law for our own minority citizens? It will cause great damage to our country and to the very most vulnerable Americans that we are supposed to be representing.

So tonight I would ask the American people to look closely at the vote of their Member of Congress. Was their Member of Congress representing them? Was their Member of Congress representing, and with all good intentions, but representing the interests of someone else? I would say that the illegal immigration issue is an issue that reflects that dichotomy more in our country than any of the other major issues that we face as a people.

So tonight the choice is stark, and the people here have cast their vote. It is now time for the American people to hold us accountable; if we are representing their interests and the interests of the less fortunate people in our society or whether or not we are giving away scarce resources and putting our own people in jeopardy in order to perhaps attract as voters, or whatever, illegal immigrants who are coming to our society and thus attracting even more illegals to come here. And of course, now after they come here, they will make sure that they bring their entire family. And once, by the way, a young person is legalized, that young person, through family unification laws and programs, will be able to then start the action necessary to bring even more and more illegals into our country to have their status changed.

Is this in the interest of the United States? Is this in the interest of the American people? I say no. And I say that the American people need to pay attention and judge us on our vote on this act tonight, the DREAM Act, which is the Nightmare Act.

Let's wake up, America. Your country is being taken from you and given to somebody else.

CONGRESSMAN MITCHELL BIDS FAREWELL TO CONGRESS

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

Mr. MITCHELL. Mr. Speaker, Mo Udall once said that those elected to positions of leadership have a moral obligation to exercise leadership. Since coming to Congress, and throughout my whole career, I have always done what I believed was in the best interests for this district, for our State, and for our country. This is what I was elected to do, to make tough decisions, knowing that some were not always as popular as others; and I would not have changed one thing, not one vote, not one decision.

When I think about what we have accomplished together in Congress over the last 4 years, I know that there are many reasons to be proud. We were able to make college more affordable for millions of young Americans. We were able to invest in clean energy technology that will clean our environment and set our Nation on a path to energy independence.

□ 2130

We raised the minimum wage for working families across this country. We were able to ensure equal pay for an equal day's work for women. We passed historic health care reform that will benefit millions of Americans, making health care insurance more accessible and affordable for thousands of individuals, families, and small businesses.

But I am most proud of the work we've done to take care of our Nation's veterans. Together, we made it possible for our veterans, active duty, National Guard, and reserve to empower themselves by furthering their education. I was honored to be part of an effort to pass the 21st century GI Bill into law.

We also know that many of our returning veterans and those who served in past generations bear wounds that can't be seen. Too many continue to struggle with post-traumatic stress disorder and are at risk for suicide. Together, we've pushed the VA to provide more mental health assistance to those returning from Iraq and Afghanistan because our veterans deserve the highest attention and respect they have earned when they come home, and we have work to do to bring them all home.

But as much as we've accomplished, there is still more to do. I have always said that you can't be successful unless a lot of other people want you to be. And I have been blessed to have so many people who have been supportive of me. For the better part of close to 40 years, I've held the titles of teacher, councilman, mayor, senator, and Congressman.

And there are a lot of people I want to thank for being with me every step of the way. A special thanks goes to my family: My wife, Marianne; my son, Mark; my daughter, Amy; and my five grandchildren. I also want to thank my staff. They were the most hardworking, talented, and loyal bunch that you would ever find, and I am very grateful for them. Lastly, I want to thank the people of Arizona's Fifth Congressional District for allowing me to represent them in the United States Congress for the past 4 years. It's been an overwhelming honor to have had the opportunity to serve my district.

TAX CUT REPERCUSSIONS

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

Mr. GRAYSON. Mr. Speaker, here in the House and in the Senate and with the President's pen, we make policy for America. We make foreign policy. We make security policy. We make health policy and environmental policy. And we make economic policy. And it's time to take a close look at exactly what the tax cuts for the rich have done for us for the past 9 years because now we are going to make policy for not just the next 2 years, but I believe for far longer than that.

Let's simply take a look at the 9 lean years that we have experienced under tax cuts for the rich and compare them to the 9 fat years that preceded that. The first thing you'll know, which you can see from this chart here, is that in the 9 previous years before we enacted the Bush tax cuts for the rich, 23 million jobs were created. Since we enacted those tax cuts for the rich, we have lost 2 million jobs in America.

The next chart shows that the average unemployment rate as a result rose from 5.5 percent approximately to well over 6 percent after we enacted the Bush tax cuts. So often I have heard that the Bush tax cuts for the rich will somehow create jobs when the record is directly to the contrary. In fact, it doesn't only affect people who work, it affects everyone.

If you look at the net worth of this country, the net worth of America, the value of all of our schools, our homes, our 401(k)s, our small businesses, our cars, our furnishings, everything that we own in America, according to the Federal Reserve, in the 9 years before we enacted the Bush tax cuts, home values in America rose by 37 percent. In the 9 years after we enacted the Bush tax cuts, our home values in America rose only 13 percent. And as a result of that—because our homes are, for many of us, the most valuable thing that we own—as a result of that, our net worth as a country increased by 93 percent before we enacted the Bush tax cuts and by only 26 percent after we enacted the Bush tax cuts. Now I think that's a very important statistic. We are taking into account the rich and the poor, the black and the white, the male and the female, people all across the country. When we didn't have the Bush tax cuts, our net worth as a country increased by 93 percent. When we did, it increased only by 26 percent.

Now, there's been a lot of discussion lately about the deficit, the debt. If you look at what the effect was on the deficit and on the debt, you will find that in the 9 years before we enacted the Bush tax cuts, we had on average a 2.37 percent surplus in the Federal budget. In those 9 years, we actually had a surplus on the average of 2.3 percent of gross domestic product. And since the Bush tax cuts were enacted, we have had a deficit of 8.5 percent on the average each year.

We all know the dramatic effect that the decline in the economy has had on the poor and on the middle class. But let's take a short moment to look at what effect it actually had on the rich. Before we enacted the Bush tax cuts, the S&P 500 index—the most broad measure of stock market performance in the United States, 500 different companies—the S&P 500 increased in those 9 years by an amazing 285 percent. Now, since more than half of all stocks in America are owned by the top 1 percent, the most wealthy Americans,

that means that the most wealthy Americans benefited by not having the Bush tax cuts to the tune of a 285 percent increase in the stock market.

In contrast to that, since the Bush tax cuts were enacted, the stock market has actually gone down over the past 9 years by 11 percent. So I ask you whether you are working, whether you are not working, whether you are poor, whether you are middle class, whether you are rich, isn't it obvious what will happen if we extend these tax cuts any further? Whether it's for 1 year or for 2 years or for another 9 lean years. I think the answer is obvious. Fewer jobs, higher unemployment, a lower value to our homes, lower value to the Nation's net worth, and a drop in the stock market. That's the future that we face if we extend these pernicious tax cuts further.

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

JOHN LENNON 30TH COMMEMORATION

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

Mr. MCCOTTER. The poet John Greenleaf Whittier wrote, ''For all sad words of tongue and pen, the saddest are these, 'It might have been.' ''

Mr. Speaker, given the prevalence of tenebrous sadness in our oft benighted world, tonight on the 30th commemoration of the murder of Mr. John Ono Lennon, I rise not to lament his inestimable loss, but to celebrate his inspiring life.

Perpetually along our earthly journey, we stand at the crossroads of comfort and truth. Imperfect souls, we are mercifully measured not solely by our missteps into numbing comfort but also by our redemptive return to enlightening truth.

□ 2140

As shown in a recently released 1980 interview with Rolling Stone's Jonathan Cott, Mr. Lennon understood this. ''I've never claimed purity of soul. I've never claimed to have the answers to life. I only put out songs and answer questions as honestly as I can. But I still believe in peace, love, and understanding.''

Striving for honesty is how, in his family life, Mr. Lennon ultimately fulfilled his most challenging and rewarding role, that of devoted father and loving husband. Striving for honesty is how, in his music, Mr. Lennon met the artistic challenge expressed by Andre Bazin, namely, to ''have the last word in the argument with death by means of the form that endures.''

Thus, because truth is beauty, beauty is truth, and the most beautiful truth is love, I thank Mr. Lennon for striving through his enduring art to reveal the immutable human truths that eternally unite us in our mortality, our frailty, and our beauty when we love.

Mr. Speaker, I ask my colleagues to join me in remembering the life of John Ono Lennon, and in extending our heartfelt sympathy to his widow and sons, to all whom he loved, and to all who love him. May he, and we, all shine on.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

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

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

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

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

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

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

(Mr. LINCOLN DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. PAUL 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.)

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.)

PUTTING AMERICA BACK ON THE RIGHT TRACK ECONOMICALLY

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. Mr. Speaker, it's a pleasure to be able to join you and my colleagues this evening. We have had a busy day and dealt with a lot of different questions and issues. And, yet, on the minds of Americans I believe all across our country people are thinking about the economy, they are thinking particularly about jobs, and they are also thinking about what appears to be imminently approaching, at least the beginning of the new year, the largest tax increase in the history of our country.

That's an odd thing to be approaching at a time when there is a high level of unemployment and a lot of uncertainty in terms of the economy. And of course that is a matter of some considerable debate and discussion and different political maneuvering. We won't talk so much tonight about political maneuvering, but try to stick more in the area of some understanding of economics and the things that we need to be doing to put America back on the right track.

I think Americans really want Congress to fix it. They don't want to hear a lot of discussion and talk. They want to know let's just get things organized, get it straightened out, get the economy going, get people back to work. You know, there is a choice people really have in our country of two different things. One, you can have bureaucracy and food stamps, or you can have a job and a paycheck. I think most people in America really want a job and a paycheck.

So that's what we are going to talk about tonight. I am joined by a couple of my esteemed colleagues, people that are very long on common sense, so they are my friends, but also people that I believe that very much are respected not only by their own delegations, the people that elected them, but increasingly known across the country.

I am joined by my good friend Dr. GINGREY. I don't know how many careers he's had. That's why he got the

doctor part. He delivered a bunch of babies, I believe, down in the Atlanta area, and also has been a State senator, and now has joined us here and helped us on a lot of health care questions. But also pretty good on these economic things. And G.T., all the way from Georgia, all the way across over to Pennsylvania, and another small business man who worked in health care businesses privately, but also a Member of Congress and a good conservative friend of mine.

I am going to start off, before I call on them to join our discussion here this evening, and just talk a little bit about something that when I first came to Congress 10 years ago seemed a little odd to me. In fact, as an engineer it almost seemed like water running uphill, because people were saying that if you cut taxes, the government can take in more money. Now, that seems like an odd thing, doesn't it, that you can cut taxes and have the government take in more money.

Well, what's going on there is an effect that when you crank taxes up high enough, you stall the economy. When the economy stalls, you can keep running the taxes up, but you don't get any more revenue because things are not working right and the machine isn't churning out any money, so you actually lose money. I came up with a way of explaining it.

And we had a chance to have Art Laffer, an economist back with the Reagan administration, who came up with this understanding. And he explained it in different ways the other night earlier in the week. But the point of the matter is that you can actually cut taxes and the government gets more money.

Here is the way it might work. Think about a loaf of bread, and you are king for a day, and you got to tax the loaf of bread. What are you going to tax it, a penny or $10? You go back and forth in your mind and say penny, it's easy. I can get everybody to buy just the same loaf of bread that they do today. So we would sell a lot of loaves of bread and maybe get a penny for each one. But that doesn't add up very fast. Maybe I can charge $10 on a loaf of bread. Well, maybe people wouldn't buy very much bread, but boy when they did, I would get 10 bucks.

Well, common sense would say there is someplace between a penny and $10 on a loaf of bread where you can collect the most taxes. And that's what's going on. When the government cuts taxes, it actually gets the economy going. And this chart shows that. It's called the Laffer Curve. This red is the tax rate, and then this here is the Federal revenues. So what we are seeing here is that you have a ratio. As you start to drop taxes, actually the Federal revenue goes up. And that's what's happened a number of times. We are going to talk about that.

But would either one of my colleagues want to join in and talk a little bit about where we are going, what we ought to be doing? What do we do on the biggest tax hike in the history of the country? Are we going to let that go into place in January or not? What do you think?

Mr. THOMPSON of Pennsylvania. Well, first of all, I want to thank my good friend from Missouri for hosting this hour. This is a very important issue. We are facing, without action and intervention, the largest tax increase in the history of our country. And the Laffer Curve and the professor that put that together, very smart man. And I think it's very telling. I think that actually it could be named, take a little creative license, and in addition to being a Laffer Curve, a curve of uncertainty, or certainty.

Because there is some point in there, and you have already mentioned that word, that you either have certainty in the economy, and jobs are created, and economic development happens, or you have uncertainty and things come to a screeching halt. And that's what we've seen over this past 2 years-plus in terms of the economy. And that's jobs.

And the one thing I tell people, or what I hear when I go around and I talk with the people at home—frankly, I talk with the people who are the job creators—it's uncertainty in the economy. And a lot of that has to do with taxes. They don't know what taxes are coming. They have been not just these—and some people will call these the Bush era tax cuts. Frankly, I will call them the people's tax cuts. We have been enjoying them for almost a decade now. It's been money in the pockets of the people at home. They are making decisions.

But it's not just those; it's all the taxes that have been layered on bill after bill by this Democratic Congress over the past 2 years. And I've talked with many people who are—normally every year they will take part of their profit—and that's not a bad word. That's a good word. That's what's made our country strong. And they will take that profit, and they will reinvest it in their businesses.

□ 2150

They will build a new location or they will add a service line or a product line or maybe they are just repacking something, yes, freshen it up, and they hire people. When they do that, they create prosperity, they create jobs, and they are sitting on the sidelines right now. And a big part of that has to do, I believe, with these taxes, that with no intervention by January 1, the largest tax increase in the history of our country goes into place.

Mr. AKIN. Well, I really appreciate your perspective, and I think you are right.

I had a similar experience back in my district in the St. Louis area. We had a meeting that we had on Main Street. You know, you have got to have a Main Street. In downtown St. Charles, across the river from St. Louis County, there is a Main Street in downtown St. Charles. So we asked a bunch of small business owners, I think about 40 or 50 of them, to come to a meeting about a year or so ago.

We just asked them. I said, Here's the deal. I am just collecting information, and I have my own opinions as to what you are going to say, but I want you to give me your best shot. What are the things that are going to create unemployment?

And, of course, the converse of that is, if you don't do those things, then employment will come back. What are the things that are really enemies to just wrecking the economy?

And they gave me a list of five things. We didn't actually put them in order, but the one that came to their mind first was taxes. It was just basically along the same lines as what you are saying, gentlemen. Because, if you are a small business man and you get taxed and taxed and taxed, it takes away the money you have to invest in new processes, new technology, new lines of equipment, adding a wing on the building, putting some machine tools in there, whatever it is. All those things create jobs. But if you take all their money away, then they can't make those investments.

Now, if you do what FDR did and you do it over a sustained period and you keep lowering the boom on them, you will not just cause them to hunker down and not hire. You will just put them out of business. Then it will be a long time before that business ever comes back again. So far, I don't think we have shut them all down yet; although, a lot of businesses have had to close. There are still businesses out there.

If they had the revenue, and if the Federal Government would get off of their case, I think we could see some jobs turning around. But the very first thing they mentioned was taxes, and the second thing you mentioned was uncertainty. They mentioned that about second. So you were exactly in line with the St. Charles people. People in Pennsylvania and the State of Missouri——

Mr. THOMPSON of Pennsylvania. Pennsylvania folks and Missouri folks think the same way.

Mr. AKIN. Same way.

Dr. GINGREY, I see you in a contemplative air there, and we would love to hear a little wisdom on the subject of free enterprise as well, my friend.

Mr. GINGREY of Georgia. Well, Mr. Speaker, I thank my gentleman friend from Missouri for giving me the opportunity to join with him and with Representative THOMPSON of Pennsylvania in this Special Order hour this evening talking about taxes and job creation and the State of the economy.

And certainly, as we look at his first slide and the Art Laffer curve referencing, of course, as the top marginal tax rate over the last 40, 60 years, in fact, has gradually decreased, then the amount of revenue has, in turn, increased. And we have seen that, Mr.

Speaker. We saw it in 1960 with the Democratic President John F. Kennedy. We certainly saw the same thing occur in 1980 under our great communicator, President Ronald Reagan. The economist Art Laffer, talks about this often, presents it in a very simplified form with his Laffer curve.

You know, I think one of the things our colleagues need to understand in regard to the so-called Bush tax cuts, and as Representative TODD AKIN has pointed out, Mr. Speaker, it's really been 10 years ago, and so it's a Bush era.

But in a time when those lower marginal rates were enacted back in 2001, 2003, we cut the taxes on dividends from a marginal rate to 15 percent, capital gains from 20 percent to 15 percent, even for the low-income earners to 10 percent. I mean, these things had a profound effect, positive effect on revenue.

And, of course, when you are faced in an 8-year period of the Bush administration with two wars, the 9/11 attack, the dot-com bubble burst, certainly deficits are going to go up, debts are going to go up, but revenue continued to go up. That's something that I think people need to understand to put it in the proper context.

Certainly, as we continue this discussion this evening, I want to close my opening remarks, if you will, by saying this President, President Obama, I am very encouraged by the coming together with the Republican leadership in regard to deciding what is best for this country, what could best stimulate the economy, put people back to work, not have another November unemployment rate of 9.8 percent and over 14.5 million people unemployed—and not only unemployed but, Mr. Speaker, over 40 percent of them unemployed more than 6 months. So this is why the President, thank God, has been, it seems to be, trying to moderate his position.

To say to a Republican leadership, I do agree. You have maybe dragged me crying and screaming to the alter of sanity in regard to fiscal policy, but we cannot, in a recession with these kinds of unemployment rates and this number of people unemployed for this prolonged period of time, we can't raise taxes on anybody, and we are not going to do that.

And I thank God that the President kind of sold the wisdom—I mean, he has said many times in the past, elections have consequences. Indeed, I think he knows now that on November 2 the American people have spoken, and he is coming our way.

I can only hope that the Democratic leadership and the rank-and-file membership of the Democratic Party will listen to him and will listen to Vice President BIDEN as they come over here and plead with this Democratic majority that it is time to get on board and to moderate, not for the sake of the next election, but for the sake of this and the next generation.

Mr. AKIN. I really appreciate what you are saying, and I didn't think I was going to be saying anything complimentary about our President, because it seems like all his policies relative to the economy and jobs and all seemed like it was highly destructive. He was making the same mistakes that FDR made. He wouldn't listen to Henry Morgenthau.

We on the floor came out here, both of you gentlemen, week after week after week now for the last couple of years. We talked about the idea of the stimulus bill and the idea that you can grab your bootstraps and lift and fly around the Chamber; it's about as reasonable as fixing a bad economy by a Federal Government spending money. It doesn't make any sense in a commonsense way, and it has never worked, never worked historically.

But both of you have made references to what does work. And if you are Democrats, you don't have to listen to Ronald Reagan and Bush. You go back to JFK, as you have said, and he basically used this same economic principle. The idea is whether politicians like it or not.

What has to be done is that you have got to stop the Federal spending and you have got to reduce taxes and you have got to create some stability and, if you can, knock that red tape down and then give the economy some time to breathe. And that money will eventually work into those businesses, and they will start to hiring people.

Now, we saw that happen here. This is a—I have a couple of charts here, antiques. They are a couple of years old, but they are talking about when the second part of this Bush tax cut came in place in May of 2003. I hate to admit it. I was here at that time and we saw this.

So I have got a series of charts, but this May 2003 is in the center of these different charts. And if you take a look, this is job creation. In this case, this is job loss that goes down; job creation goes up. And the red is before the tax cut and the green is after.

Now, what you see going on here is we are losing jobs heavily, 2001 to 2003. Then by May of 2003 you have 1 month that we have lost jobs. But after that, it's all increases in jobs.

So this is the kind of thing that I assume the President must have looked at and gone, Oh, my goodness. I have tried our stimulus bill. We have spent $787 billion.

I think they spent it before they really thought the economy was that serious. So in that money, they had bailouts for the California teacher pensions and the Illinois teacher pensions. It wasn't even FDR stimulus. It was just basically pork; robbing other States to pay for the mismanagement of teachers' pensions that California and Illinois had done.

So it had all kinds of stuff in it, but it really wasn't even much of a stimulus bill. They said it was going to generate, I think it was, 3 point something or other million jobs, and the result was we lost 2 million jobs and unemployment went all the way up close to 10 percent.

So that didn't work for the President. And now he has got some true believers in the House and the Senate, the PELOSI and REID gang. They still think that you have got to tax everybody out of house and home and you can have all these jobs, but the President has had 2 years and the jobs have been going down, going worse and worse.

□ 2200

So I think maybe he's starting to pay attention to this effect. And so this first chart is actually job creation. And I have a couple of the other ones as well that we can talk about. But I want to give either of you an opportunity. If you really want to talk specifically about jobs and tax cuts, here's an example of the tax cut, and here's what happens in terms of jobs.

And I think the moral of this story is a very, very complicated economic principle which is frequently lost on my liberal friends, and that is, if you want jobs you've got to have employers. And if you don't have employers you don't have employees. It's complicated, I know, but try to grasp it. You have to have a business in order to have people working for a business. And if you destroy the business, you don't have any jobs. And that's the moral of the story.

And that's why you're going to have to allow some people to have enough money to invest in their business. And it may mean there will be some Americans that achieve the American Dream. They're actually going to be rich. They're going to have a lot of money. And just because somebody else has a lot of money doesn't mean that they're having that much fun. But maybe they are.

But that's okay because the American dream goes like this: you start poor and you have something to look forward to and before too long you actually make some money and come out okay. That's the whole point of the American Dream.

The American Dream does not work. You're rich and the government taxes you into the dirt. That's not the idea. That's how the communist dream works. This is America. We've got to go from letting people who don't have so much to save and get wise and get smart and try these different ideas and pretty soon, by golly, they have some money. That's the way it's supposed to work.

My good friend from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend for dusting that chart off and bringing it out tonight. I think we need to reproduce that and get that in every one of the 435 offices because, you know, I've tried to lead my life by principles, and one of them has been the principle that the best predictor of future performance is past performance.

And here we are looming days until we have this Nation's largest tax increase in history, and what a great chart to be able to show the practical impact on job creation that tax cuts make, because you've got the documentation right there. You show it, pre-tax cuts, and you show it post-tax cuts. And the results are astounding.

We're talking jobs. And I don't—there's few issues and problems that we face, that our families face, and individuals in this country face that can't be solved by a good job. Period. Health care, economic issues, they're just so important. And I'm very appreciative, a little surprised, but I'm appreciative of the leadership that the President has shown in the past week or so in terms of really what appears to be—and I have to tell you in the first bipartisan real true bipartisanship that I've seen my first 2 years here in Congress.

Mr. AKIN. I about forgot what that word meant.

Mr. THOMPSON of Pennsylvania. Yeah. And the fact is, and it seems like he's embraced, he's figured out who those job creators are. I mean, our colleagues on the other side of the aisle, they'll be the first to, and I'm sure when we get into, more into this debate, you're going to hear them talking about all we're doing is providing tax relief for the wealthy, and the top 2 percent of wage earners in this country fall into that category. It's, by definition, it's people that make $200,000 or more a year and file their taxes individually, or $250,000 and file jointly with their spouse. And you know, in my congressional district, and I suspect in yours, that's a lot of money.

But when we really look and drill down a little further and see exactly who those people are, and it's amazing to me to find that it's the people that are reflected on that chart with creating, it's the job creators that created those jobs that showed up after those tax cuts in 2003, 2004, 2005, 2006, 2007, because 60 percent of those folks or more are people who organized their businesses as a sole proprietorship, a limited liability corporation, or a sub chapter corporation. And they pay their taxes as an individual.

So, yeah, maybe they make $200,000 as an individual or $250,000, but out of that, they make a payroll. They create jobs. They provide prosperity, both for themselves, and there's nothing wrong with that. That's the American Dream, to work hard, to take risk, to sacrifice and to achieve great things. That's the American Dream. And so that needs to be rewarded.

But also they create prosperity for other people. Those are the job creators. And I am so thankful that President Obama has, in a very enlightened way, embraced that in coming together in this bipartisanship of his making, extending these tax cuts.

Now, honestly, I would really like to see, if I had, if I was king for the day, and I think you all would agree, we'd make them permanent because that's the best way to provide continued certainty in the future. But this is Washington.

Mr. AKIN. But, gentleman, you did mention the point that if you take a look at what it is businesses need, they need to have the taxes off their back. But they also need a certain sense of stability, because you're not going to make a decision that's really going to be with you for a long time if you're not, if everything looks turbulent in front of you. You want to kind of hunker down and wait and get through the not knowing where things are going to bounce. And you see if those tax cuts are permanent, that gives you that sense of, okay, now we know what the environment is that we're in. And people take some risks if they think, okay, things are going to be stable a little bit.

Mr. THOMPSON of Pennsylvania. They do that in forecasting, and they build their business plans and their business models.

Mr. AKIN. I got an email before I left St. Lewis from one of those people. And the choices are really more bureaucrats and food stamps or more jobs and pay checks. You know, that's the choice. Are you on the bureaucrat/food stamp team, or are you on the jobs and pay checks? And most of the people I know, they kind of hold their head up and they'd really like to have a good job and a decent pay check. You feel better at the end of the day than a bureaucrat telling you what to do and giving you food stamps. And that's the choice.

And this guy was complaining about all these tax cuts for the rich. Blah, blah, blah, you know. And the fact of the matter is that the people that this thing affects is the people who own the businesses. And if you don't allow them to have some of their own money to plow back into the business, you're not going to have the jobs. And people miss that.

And then it's always this class warfare, rich and poor. This guy's too rich; we ought to take him down, you know. And it's because we forget the American Dream. It's okay for some that you have some money. It's okay for them to run a business and hire people. That's what we want. That's what we're trying to accomplish. And that's what this all shows, that when you ease off on the taxes, it's a blessing to everybody.

And I know my good friend from Georgia is not going to let that talk about the American Dream go by without a comment or two, because I'll tell you, that Georgia delegation's looking like they're some pretty patriotic folks, and I'm proud of your State for who they're sending down here to Congress.

Mr. GINGREY of Georgia. Mr. Speaker, I thank my friends from the Show Me and the Keystone States. We Representatives from the Peach State are very proud of our colleagues and the commonsense discussion that we're bringing to the House floor this evening as part of this Special Order hour, pointing these salient points out to both our Republican and Democratic colleagues.

And I join with my friends in saluting the President. I would only wish that I had the opportunity, not being part of either the current Democratic majority leadership or the current Republican minority leadership, to be in that room over at the White House, the Oval Office or wherever they've gotten together to sort of discuss these things.

But I would love to be a fly on the wall and listen to some of the advisers. Of course Christina Romer's gone, Peter Orszag's gone, but people like David Axelrod and others are still there. And I can just hear them saying to President Obama, you know, Mr. President, we have given you some advice over these last couple of years and, indeed, you've gotten some advice from Speaker PELOSI and Leader REID and the members of the Democratic majority in the legislative branch that hadn't worked out too well. And, you know, Mr. President, you had said to the American people, elections have consequences and, indeed, you know, we're looking back on November the 2nd and seeing a net gain of Republicans, a net gain of 63 in the House of Representatives and a net gain of six in the United States Senate, Republican Members, and something like 600 Republican new Members in State legislatures across the country; 29, in fact, new Republican Governors.

Mr. President, indeed, elections have consequences. It's time, sir, for you to maybe moderate, to get back to the middle a little bit and to listen to the American people. If it's so partisan that you can't listen to the minority party, listen to the American people.

□ 2210

They have spoken loud and clear. They are saying it makes absolutely no sense to raise taxes on anybody, especially those who create the jobs. You know, I had heard and have heard from my Democratic colleagues, Mr. Speaker, this mantra, you are going to cut taxes for the rich and it is going to add $800 billion to the deficit, totally ignoring if you cut taxes for everybody else making less than $200,000 a year, that you are cutting $3 trillion of revenue out of the budget.

So where is the concern. You are concerned about spending $800 billion to extend the tax cuts for everybody, but you totally ignore the fact that keeping the tax rates in place for everybody making less than $200,000 a year, if you listen to this arcane way of scoring, CBO, that is a $3 trillion increase to the deficit. Our colleagues tonight, Mr. Speaker, are talking common sense, and that is what the American people want. They understand it. They understand when you have a 14.5 million population out of work, an unemployment rate in November alone of 9.8 percent and over 40 percent of these people out

of work more than 6 months, no wonder they are begging for an extension of unemployment benefits to the 99 weeks for these additional workers.

But the bottom line is when the President comes together with Republican leadership and says: I agree, it is a give and take. It is a check and balance, and I am going to sit down with you guys and gals and I am going to agree that we are going to keep those marginal tax rates just where they are for everybody, we are not going to let the taxation on dividends go back up to 39.6 percent. We are going to keep it at 15 percent so mom and pop can get a decent return on the dividends, we are going to let capital gains stay at 15 percent. And, furthermore, we are going to cut the payroll tax one-third on Social Security, from 6.2 percent to 4.2 percent for the individual, for the employee.

It is a little contradictory to do that at the same time under ObamaCare that we raise the payroll tax 3.8 percent on the so-called high earners, but that is a whole other story.

But I think we are coming together with the President. I am pleased with that. I am pleased with him. I think we need to look very closely. Obviously, it is not perfect. I know there are Members on our side of the aisle, Mr. Speaker, who are very concerned with the fact that extending unemployment benefits for another 13 weeks to 99 weeks for those who have been unemployed for more than 6 months is not paid for, and that is a concern and we need to address that.

But again, this opportunity to come together on the floor tonight to talk in a bipartisan way to all of our colleagues, to say yes, the American people want us to do this now. They don't want us to wait until after January 1. They want us to get this accomplished now.

I thank my colleague for giving me an opportunity to weight in.

Mr. AKIN. I appreciate your perspective. One of the things, when you keep looking at this from the poor people/rich people kind of continuum, that is really the wrong question to be asking. The question should be: What do we need to do to put the economy back on track? That should be the question. What do we do to provide jobs and paychecks? That is our objective, not to discuss whether somebody is paying too much or their fair share of taxes.

I forget the exact numbers, but as I recall, I think it is the top 10 percent of people who pay income taxes, pay something like over 70 percent. All of the tax money that is paid to the Federal Government comes from only 10 percent, and the bottom 40 percent pay zero. Now that is a pretty graduated income tax, that you have only the top 1 percent paying a very, very high amount, I am trying to remember if it is as much as 50 percent but it is quite a lot. But all of this stuff about the rich and the poor and the pay, it really should be about America. It should be about the American dream. And it should be common sense that when the economy is in bad shape, the one thing you do not hear anyone with any common sense saying is that you want to increase taxes. That is just plain nuts. And yet that is exactly the train wreck that is about to happen January 1 if this Congress doesn't take action.

I at least credit the President for getting the message. He got it late. I don't know whether he has true religion or not, but he appears to be on the right track. At least they are going to keep these things going for a couple of years so in the middle of a recession we don't hammer the economy with another shot.

But let's look at this from a logic point of view. Here is another chart. This is the GDP after the tax relief. This is the same tax relief in 2003 May. In May 2003, we did the tax cut here for dividends, capital gains, death taxes. Take a look at what the GDP is then doing. This is gross domestic product before the tax cut. You can see, it is kind of a shaky line. The GDP not up to 3 percent, dropping down so we are actually losing it on a couple of different quarters here.

Then you put this tax cut in place and look what happens to GDP. It looks like you just gave it a shot of fertilizer all of a sudden. So you can see there is quite a difference in the average. So not only from the first chart that we saw here, not only did the tax cut affect job creation, job creation is much better. It doesn't surprise you, when the job creation is up, so also your gross domestic product is up.

These are a couple of charts that show this effect, that tax cuts don't really lose the government money. They actually get the economy going. That is why JFK did it. That is why Reagan did it. That is why Bush did it. It worked in all of those instances. That is what we should be doing.

In this case, unfortunately, what we are talking about is not a tax cut. What we are talking about is a tax increase which we are trying to prevent. It is a very different thing. If we prevent an increase, it means that the damage won't be done. But these things economically, they work both ways. If you do one thing it makes it better; if you do the reverse, it makes it worse. So why do we want to do a big tax increase? It doesn't make any sense.

My last chart, this kind of completes it. Here is the tax cut right here. This is Federal revenues. This seems to be an odd chart, doesn't it? You have 3 years of decreases. As we are going into this recession, you have capital gains, dividends, and death tax, and all of a sudden you have cut taxes and what is happening? Federal revenue is going up. That is why the deficit under Bush, even though we had a couple of wars going on, things were looking better because we had 4 years. This chart was made back in 2007, I guess, because we had 4 years of straight increases where we did this. So do you want to reverse this thing now? Do you want to put the biggest tax hike in the history of the country and have that effect go the other way so Federal revenues plummet, jobs plummet, and GDP plummets? Is that what we want to do for January 1? I don't think so.

I appreciate you gentlemen being out here on the floor tonight and standing up for the commonsense Americans who know. We say if there is a recession going on and the economy is not strong, we say what you have to do is cut taxes. You have to cut government spending. You have to cut redtape. You have to create certainty.

The average person on the street in our districts understands that. The average business person says of course. Even an awful lot of people who are carpenters, machinists, they are people who work with their hands. They are people with a lot of common sense. They understand when you are in a recession, when you have economic problems, you don't go out and just bust the budget spending money. They look at what goes on in this city and they think, what in the world is wrong with that place? We need to get some people in there that will talk some common sense.

Fortunately, we think that the President is, whether it is because he really believed or because he just felt the political heat, has put us back in the right direction not to reverse this very thing that worked so well for us. Now this doesn't solve the problem we are in; it just prevents an evil from happening. But right now that looks good.

I see my friend from Georgia, Dr. GINGREY, has joined us again, and I yield to Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding.

I wanted to at this point interject once again my thoughts as a physician Member of this body about the enactment in March of this past year, almost 10 months ago now, of the Patient Protection Affordable Care Act of 2010, or what we refer to as ObamaCare.

□ 2220

Mr. AKIN. I thought that was socialized medicine. That's what I call it.

Mr. GINGREY of Georgia. Well, there are a number of terms to describe it. I think, if you do look at a Canadian system or if you look at a British system or many other countries across the world, certainly it is a national health insurance program or, certainly, a march in that direction, and some people do refer to it as socialized medicine.

When I joined the Energy and Commerce Committee at the beginning of the 111th Congress, when President Obama took office, I had the opportunity to serve with our Governor-elect of the great State of Georgia, Nathan Deal, who was the ranking member on the Health Subcommittee on Energy and Commerce. We saw that, as this bill came forward, you know, right

after several months of trying to pass and, indeed, passing in the House so-called ''cap-and-trade,'' not all of the above, that there was this great emphasis on a carbon tax and on an energy bill that would end up costing every family in this country about $3,000 extra a year in utility bills.

So we spent all of this time on this. Why? Was it because elections have consequences or because this was near and dear to the hearts of a Nobel laureate for Vice President Al Gore or our very liberal Speaker of the House of Representatives, Ms. PELOSI, from Haight-Ashbury? You know, I don't know. They were determined, since they had these giant majorities, Mr. Speaker, that we were going to do these things come heck or high water.

Then, all of a sudden, you come with this health care bill that costs in a very conservative—I don't know—almost ''cook the books'' estimate by the Congressional Budget Office of only $1 trillion at a time when, as the gentleman's charts depict, we were suffering. The American people were suffering. People were out of work. There were 16 million who were out of work. If you had asked them after 6 months of unemployment, Hey, you can have your job back, but we're not going to be able to offer you health care, they would have taken it in a minute.

So it is a matter of priorities, Mr. Speaker, and that is what I want to point out to my colleagues. We wasted a lot of time spending a lot of money while people were suffering and couldn't support their families, while they didn't have jobs and while they were becoming frustrated, depressed and angry. By golly, the result was the election on November 2.

I think the President got a wake-up call, and to his credit, he has awakened. What we are talking about a lot here tonight is to say we tip our hat to him in order to be able to come together, to be willing to moderate and to do something to get us back on track.

Now, I don't know at what point he might, if ever, admit that ObamaCare was a mistake, but come the House majority of the Republican Party in the 112th Congress, we will, as depicted in our Pledge to America, do everything in our power to repeal that expensive monstrosity that failed on every promise: if you like what you have in health care, you can keep it. It's going to lower the cost of premiums, and on and on and on.

So I yield to my colleague as we continue to have this spirited discussion.

Mr. AKIN. Well, you know, I really appreciate your perspective, particularly as a medical doctor.

As to the whole medicine thing, you know, the public just isn't behind it. We have had enough trouble with the government running Medicare and Medicaid. As to those things, all of the economists—liberal and conservative—say that, at the rate they're growing over time, because of the changing demographics of the population, they are going to put us in the poorhouse nationally in terms of spending.

Well, if the government can't manage Medicare and Medicaid, how are they going to manage the entire medical system?

The public does not want the Federal Government running our health care system, and that's what was shoved down our throats. That $1 trillion price tag, as you correctly point out, gentleman, that is a very optimistic trillion-dollar price tag. It is going to cost much, much more than that.

You're right. The Republican leadership and all of us are committed to trying to stop that bill. That's not so easy to do, but at least we will try to defund it. Eventually, if there are enough votes, we will try to repeal it. There are certainly things that need to be done to health care in America to improve it but certainly not just throwing it under the bus and having all of health care taken over by the Federal Government. That has to be repealed, and then we can start with what we are going to do to the existing system.

So that's just one of a whole series of these things, which is just runaway Federal spending. Boy, is that ever a recipe for disaster.

You know, you mentioned your constituents were upset and angry and worried and scared and all those kinds of things. The three of us here on the floor have been feeling that way also for 2 years. I was ready to move away to some island somewhere if the election results hadn't come along the way they did. Now, at least, I think there is a little ray of hope.

Today, we've been talking about the fact that we want to change the way things are done down here. We've taken a few steps even today, announcing how the House is going to be run in a much more businesslike kind of way. We're going to know what our schedules are, and we're going to know when the last votes of the week are so we'll actually be able to plan our time and schedules and do a better job in visiting with our constituents. I think that is a very encouraging first step.

I think the other thing that was very encouraging to me—and I don't want to get too much into the touchy-feely department. You know engineers don't do well in the touchy-feely department. But I remember our first meeting a couple of weeks ago. The Republican Party got together in a conference, and we had won the biggest election since 1946, which I don't remember. I was born in '47, so it was a year before I was born. We had the biggest victory we have ever had, and the tone in that room was dead sober, and the attitude was:

We've been given another chance, and it's time for us not to do the same old things. It's time for us to really do what is right and to use some common sense. Let's get this mess under control. Let's stop the Federal spending. Let's start cutting the things that need to be cut, and let's start backing off on the taxes in order to get this economy back on track.

We don't think that the American Dream is bureaucrats and food stamps. We think it's jobs and paychecks. That's the course that we think the public has told us to take. Common sense, a good bit of hard work and good management is what is required—and also learning a little bit of something from history. That's where we have to be going. There is a strong commitment now. Even the President has seen this, and we are encouraged.

Congressman GT, I just really appreciate the fact that you run your own business and that you have that just commonsense kind of experience to know what it takes to make it work. A lot of Americans understand that; but somehow or other, for a couple of years, the majority down here just hasn't gotten that.

The fact of the matter is we are, right now, kind of sitting at this precipice. You know, we're just a week or two away from January 1; and the question is: What is going to happen on this massive tax increase? Are we going to get, after these last 2 years of not only socialized medicine, but the idea of cap-and-tax or cap-and-trade or whatever it was about the global warming thing?

You know, I asked my constituents a question on a survey: Are you more concerned about global warming or about our dependence on foreign oil? Do you have a guess as to what the results on that were? About 80 percent said, We're worried about being dependent on foreign oil. Let's keep this conversation somewhere in the reasonable zone.

Anyway, I yield to my good friend GT.

Mr. THOMPSON of Pennsylvania. I appreciate that.

For my whole life as a young boy, I grew up in a family-owned sporting goods business. It wasn't a very big operation. It really was my mom and dad, a brother and a sister. The store was open 7 days a week and for 12-hour days. As a teenager, I remember I had the 6 a.m. shift on Saturday mornings.

Mr. AKIN. Whoo, what did you do wrong?

Mr. THOMPSON of Pennsylvania. I felt like I was getting up in the middle of night back then. In the hunting season, there was ammunition and supplies. In the fishing season, it was bait and minnows; but it was a wonderful way to grow up and to be able to see and to live the private sector, because that's what it was. We were immersed in it, and it was very positive from that standpoint of interacting with the public.

At the same time, it was a front row seat on just how many burdens the government can layer on business and on jobs. Whether it was taxes, whether it was regulations, they were just incredible, incredible burdens.

You know, I guess I have very fond memories, but I have some very useful

lessons that I take from those early years. I then went on into health care and created jobs and managed rehabilitation services and worked within a skilled nursing facility.

□ 2230

We're talking taxes tonight and the impending, looming taxes that will go into effect here January 1.

Probably about 2 months ago, I was in Titusville, Pennsylvania; it's where one of my district offices is. We just happened to be having an event there one evening. Titusville may sound familiar to those who remember their history. That's where we drilled oil for the first time anywhere in the world in Titusville, Pennsylvania, 150 years ago. We are very proud of that. We call it the valley that changed the world with the discovery of oil. But I was talking——

Mr. AKIN. Would that have been about 1870s or so?

Mr. THOMPSON of Pennsylvania. Yes, absolutely. This is our 151st anniversary.

But I was talking with an individual whose family actually had roots maybe going back 151 years. I was talking with this gentleman, and he has a family business. His family has been in this business for at least 100 years or more. And he talked about how just during his lifetime—now this is just his lifetime—he has had to purchase his family business from the government three times, every time a generation has passed away. That's just morally wrong, and it's economically stupid. The fact is this is a company that has, for over a century, created and provided really good jobs for that community, for that part of Pennsylvania.

Mr. AKIN. And yet he's having to buy his own company back from the government.

Mr. THOMPSON of Pennsylvania. Because of the—I guess the official word is the ''estate'' tax.

Mr. AKIN. It's a death tax.

Mr. THOMPSON of Pennsylvania. I like to call it what it is: it's a death tax. And we know that today, as a result of these tax cuts, the schedule that was set up almost 10 years ago, for someone that passes away in 2010, the death tax is zero percent.

Mr. AKIN. They've already been taxed all through their lifetime. They have saved something up for their kids and they die.

Mr. THOMPSON of Pennsylvania. Which is a part of the American Dream.

Mr. AKIN. And they want to pass it onto their kids. So the death tax is going to tax them, whereas if they had gone out and got drunk and gambled it away, they wouldn't have to pay any tax. So what sort of incentive is that? It's immoral, you're right. I'm sorry, I didn't mean to interrupt.

Mr. THOMPSON of Pennsylvania. No, you're making great points. And I think those are points the American people understand, that the American Dream is you work hard, you sacrifice, you take risk, you accumulate wealth, you make profit, and you want to pass it along to your children or grandchildren. You want to provide for them. That is the American way, it's the American Dream. And what does the government do? The government comes in and takes a large portion of it back.

There have got to be a lot of people right now thinking that it would be much better, more convenient to die between now and December 31 because the estate, the death tax is zero percent. But if you are unfortunate enough and you die 1 minute after midnight on January 1, it's 55 percent. If you think about someone that owns a business like that gentleman, or a family farm for that matter, I mean, what part of a business or a farm do you sell, do you liquidate in order to come up with 55 percent? If it's a farm, do you sell the livestock? Do you sell the barn, the outbuildings, the acreage, the crops, the equipment, the resources, the inventory? If you sell any of those, you don't have a business or you don't have a farm. And frankly, people don't have jobs because we drive those jobs out. I think there are many taxes like that, but that is just one of the most egregious ones and it's coming back.

Mr. AKIN. That death tax is a killer, isn't it?

Mr. GINGREY of Georgia. If the gentleman would yield back to me. And I would claim time from my friend on this same point that I think we do need to elaborate on this.

I would, Mr. Speaker, suspect that all of my colleagues—certainly most of my colleagues on this side of the aisle, the Republican Members of the Congress—would philosophically agree that there should be no tax on death. Death should not be a taxable event. I think Steve Forbes, the brilliant owner, editor and publisher of Forbes magazine, said a number of years ago when he was running for President—I will always remember this—''no taxation without respiration.'' I love that comment. And as a physician, I certainly can relate to it. And again, I would prefer that there be no death tax, estate tax, as our friend from Pennsylvania, Representative THOMPSON, has just said. This year there is none, there is no taxable event if you die in this calendar year of 2010; but you better hurry up and do it because come January 1, all of a sudden the estate tax goes up to 55 percent with a little old exclusion of $1 million. Well, there are many, many, many small business men and women and farmers who paid for that investment with after-tax dollars that would get hit with that.

So as part of this compromise, as my colleagues know, Mr. Speaker knows, the President sat down with the Republican leadership and said, you know, you guys passed a bill on the House floor and it would be a 45 percent tax on everything above $3.5 million, but we will compromise and agree that there will be a $5 million exclusion and the tax on the overage would be only 35 percent. In fact, that's what soon-to-be-former Senator BLANCHE LINCOLN from Arkansas had proposed on the Senate side, along with our Republican colleague, JOHN CORNYN from the great State of Texas. They wanted to do that. That was the bill in the Senate. So basically, again, the President has recognized that.

So we get down to the point where .03 percent—a very, very low number—of estates have any tax at all. Well, do our colleagues on this side of the aisle, do the American people say, oh, well, the principle is no double taxation, no taxation without respiration, or do we accept this compromise where hardly anybody pays an estate tax? Again, these are tough questions. They are going to be tough for our Republican colleagues in the House and Senate and I guess tough for our Democratic colleagues as well because they want the 55 percent and they want the exclusion to be $3.5 million or less.

So these are the things that we are debating. I think the American people need to know about it. Mr. Speaker, our colleagues need to think about it. But again, I will take the opportunity this evening to commend the President to be willing to come that much closer to what the American people want.

Mr. AKIN. Right. I think what Congressman THOMPSON said earlier about it being permanent, that would add a tremendous amount of stability to what's going on, particularly if you're trying to think about doing estate planning and things like that and it's zero this year and 55 next year—unless it gets changed to 35 and there is this exemption. But how in the world does anybody plan what's going on and how in the world can a small business survive?

You know, if you've got a multitrillion-dollar business and armies of accountants and people like that, you've got the flexibility that if the tax rules change, you move your business overseas. You don't want to create jobs in America, fine. We'll create jobs overseas. You show us the rules, we'll play the game. Big business can do that. But those small businesses that have most of the jobs in America don't have that flexibility.

And when we hammer them with a 55 percent death tax—which is what's fixing to happen, as they would say in Missouri, on January 1, that's pretty tough. You could picture a farm and, as you said, what are you going to do? Are you going to sell the fields? Are you going to sell the tractors and the equipment? Are you going to sell the sheds? What are you going to do? You inherit the farm from your dad, you've worked it, he's worked it all his life, you've got the homestead there. Are you going to sell that, liquidate the whole thing and sell half of your farm just so you can pay the government for something that you already paid taxes on that you bought with your money?

I just can't imagine your discussion, G.T., with the family that bought their own business three times. You can see why people get a little hot under the collar.

And then what are we using the money for? That's another big question. To bail out the California teachers' pension when they can't manage their pension? That makes me mad. In the State of Missouri, we've got teachers too. They've got a pension, and they're expected to manage the pension properly. If they don't, it goes bankrupt and they don't get their pension money. So why are we bailing out the teachers of some State that can't manage their own pension? I don't understand that. That's why I don't like that great big old bailout. It was a scam, and it didn't work and a whole lot of people are hurting.

□ 2240

I was asked by a very liberal talk show host, What are you going to say to somebody that lost their job? I told them, I can't say anything. These are the policies that this liberal Congress allowed to happen, and this isn't what we need to be doing. We need to be getting back on to some good solid economic footing.

I think we've probably got about 3 or 4 minutes, but I would be happy to yield to my good friend from Pennsylvania. Congressman THOMPSON, if you would like to add a couple of finishing comments.

Mr. THOMPSON of Pennsylvania. Sure. Just real briefly, you had a chart there that showed a lot of different spending schemes, health care, IMF bailout, the bank bailout, the omnibus. We're talking billions of dollars are being spent and all in the name of supposedly good causes. I question many of those as being very ineffective.

Mr. AKIN. You've got your Wall Street bailout here, economic stimulus. Boy, that was a doozy. Here's that socialized medicine at $1 trillion. That's the Optimist Society's version. They are not going to get by with $1 trillion on that. And the IMF bailout. Yeah, there are some winners there.

Mr. THOMPSON of Pennsylvania. I think the absolute best economic stimulus that we could have is extending these tax cuts. I think that what happens as a result of that is it provides some certainty back into businesses, especially those 2.1 million small businesses that create 60, 70 percent of our jobs that you referenced, Mr. AKIN. And I think if we create that certainty, we're going to see a lot of business plans take off. And what we're going to see is unemployment will go down because jobs will be created, and people will have more prosperity, and that will solve a lot of problems that we're experiencing currently.

Mr. AKIN. Yes. We're saying, Jobs and a paycheck beat bureaucrats and food stamps.

Mr. GINGREY of Georgia. If the gentleman from Missouri would yield, and I thank him very much.

I am going to ask him to give me permission to speak and to shift gears just a little bit. I know we're talking about the economy, and that's the main point of the Special Order hour this evening. But we had another vote this afternoon that was pretty important as well, barely passed on the House floor maybe an hour or so ago, the so-called DREAM Act.

Mr. AKIN. The nightmare act.

Mr. GINGREY of Georgia. The DREAM Act which people in the 11th district of Georgia, northwest Georgia think is a nightmare. It may be a dream if these students want to go back to their own country and attend one of their great universities. But bottom line is, Mr. Speaker, I wanted to say, and I will put in the RECORD, that I came to the floor and, with my electronic vote card, voted a resounding ''no.'' I had to step out quickly, only to come back in and find out that it wasn't recorded. That was very disappointing to me because I think that vote was to allow about 2.5 million people in this country illegally to ultimately be granted amnesty, and I think it was a very boneheaded wrong vote.

And with that, I will yield back to my gentleman friend from Missouri.

Mr. AKIN. Well, you brought up a tender topic here basically. And I appreciate you gentlemen joining us. I appreciate your commitment to the American Dream. And God bless you and the American public.

IT'S NOT A ZERO-SUM GAME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you here on the floor of the House of Representatives and the opportunity to express some things that are on my mind, perhaps while others are sleeping and perhaps while others are having trouble sleeping, for they see what happens around this Congress.

I am very, very grateful to the C–SPAN cameras and the transparency that exists here in the House. And I think back those years now, maybe as far back as almost 20 years ago, maybe even more, when I sat in my living room, and I watched what was going on in this room. And I listened to the speeches, and I analyzed the presentations that came from the various Members of Congress on either side of the aisle.

As I sat back, as an American who was busy building a business and creating jobs and meeting payroll for 1,440 consecutive weeks, trying to build capital where there was none that existed and shape that together so that we could take care of the longevity of my family and that of the families of the people that I had hired that worked for me and did so well to help build the business with us all together, while all that was going on, I was watching what was going on in Washington, DC, in Des Moines, Iowa. And I saw and heard the voices of the people that came forward to tell America there was something wrong in this Congress. And as I listened to them, they inspired me. They inspired me to get more involved in public life, to get engaged in politics, that there were a lot of decisions that were being made in this city and in the capital cities in the States across the land that were affecting the very lives of the American people down into their families. And a lot of folks didn't know it. They weren't paying attention.

So I started to pay attention. And from those years forward, I saw what was going on. The irresponsible spending that was taking place and the dysfunctional Congress that had rolled itself up into a point where it no longer represented the American people, but it seemed to exist for its own purposes and not for the purposes of serving the American people. And as this unfolded, personalities that were here on the floor—Newt Gingrich and Dick Armey and a number of others that stand out in my mind and cause me to think that I might be able to make a contribution at some level, whether that be the State level or the Federal level—but they convinced me that there was a broad philosophical disagreement in America. And on the one side of the aisle, you have people that believe in growing government, that government is the solution and that higher taxes are necessary in order to fund this growing government. And if there's a problem that exists out there, even if it's for a single individual, there is somebody over on this side of the aisle that will try to pass a law to fix that problem for a single individual, and government grows. And they won't look at empirical data, by the way.

I offer study after study, and they turn a blind eye to those studies. They simply want to try to reach out and touch people's heartstrings and tell the anecdote, the single anecdote. And with 300 million people, we always have someone who got the short end of the stick. That's this side of the aisle. The case of the people with the ''poor me's,'' the ones that think that these greedy capitalists are victimizing the poor proletariat, and that it's a zero-sum game, and the glass is half empty, and it would have been maybe three-quarters or maybe, let me say, it would have been not as empty as half empty if these people that went out and got out of bed and went to work every day and produced something hadn't been taking from that glass. It might have been full from them, they wouldn't have had to do anything.

But truthfully, Mr. Speaker, it's not a zero-sum game. And anybody that thinks their glass is half empty, their resolution of that is to go to government and ask government to tax the person whose glass has got the same level in it. But theirs, over here on this side, this is the half full side of the

aisle. These are the people that believe and understand that it's not a zero-sum game, that this is a growing economy, that we don't have all of this capital that we have in the United States of America because it was a zero-sum game. We built things. We produced goods and services that had a marketable value to each other, yes, and to the rest of the world, certainly. We exported a lot of that, and America became more wealthy, and we developed our skills.

This idea of a zero-sum game that's over here on the Democrat side of the aisle, Mr. Speaker, is a self-defeating philosophy from which you could never build a great Nation. It's already a self-defeating philosophy. If you get up every day and you think you have a bad case of the ''poor me's,'' and somebody is out there working industriously and taking from this pool that you have some right to for not earning it—if you have that attitude, you're not going to be contributing to the whole. And our job—and it should be our job on both sides of the aisle—is to increase the average annual productivity of all of our people.

Now, it doesn't mean that we won't have some people who aren't producing at all. Some can't, and we need to take care of them. Some won't, and they need to take care of themselves. And some aren't doing enough, and they need to do more. But if we increase our overall productivity, that increases our average annual productivity, that increases our gross domestic product, that strengthens us economically. It puts us in a position where we're no longer borrowing 41 cents out of every dollar we spend from somebody—often the Chinese. It puts us in a position where we can balance a budget. And, by the way, the people that are out there working and producing every day, every working day, at least—and hopefully taking Sunday off to worship—those folks aren't putting pressure on government for services.

□ 2250

They just say, Take the taxes you have to take from me and don't take any more than you have to take, and leave me otherwise alone. I will take care of myself and my family. That's the American spirit. That's the American way. It's part of the American Dream.

And so as I use that word, Mr. Speaker, ''dream,'' the American Dream, we saw a bill come across this floor today, turned through this system with lightning speed. Who says the House of Representatives can't move quickly if the Speaker of the House determines it shall move quickly? Let's take the word ''American'' off of it and call it the DREAM Act. They can't call it the American DREAM Act, because that would be a high level of hypocrisy. They just called it the DREAM Act, which we described as the nightmare act.

This is an act that's been churning through the publics here for a good number of years. And what it is, it's designed to give a path to citizenship to young people that came into this country before their 16th birthday, who have resided in the United States for perhaps as long as 5 years, who are willing to enter into an institution of higher learning or sign up for the military, and it would give them a path to citizenship, give them a green card right away. It would triple the number of green cards in America right away.

And these young people, they were young maybe when they came here, but still it's an amnesty bill. And amnesty, to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crime. Now, somebody comes into the United States illegally on the day before their 16th birthday, this DREAM Act gives them amnesty.

We have lots of people that sneak across the border that aren't 16 years old. Some of the accomplished coyotes are under 16 years old. Some of the accomplished drug smugglers are under 16 years old. You have got a murderer down in Mexico that was reported in the news who is—I will call him a serial contract killer that's just been arrested that apparently—I mean, it's alleged, and he is not yet convicted, that multiple times he has executed people in the drug wars, and he is 14 years old.

So this DREAM Act would give everybody that came into the United States illegally, whether it was on the first day of their life, perhaps they were born across the border and they came into the United States on the first day of their life and were nurtured here and went to school here, gives them—the result is an in-State tuition discount to go to college or perhaps go off to the military in the United States on a path to citizenship and the ability to bring all their families in on the family reunification plan. All of that offered to somebody that maybe was brought into the United States on the first day of their life.

But it also is the same reward for somebody who came into the United States on their own illegally, as well, on the day before they were 16 years old. And that's good up until such time as they are 30.

So let's see. We can do the math on this. Fourteen years, and if this bill becomes law tomorrow, and it's possible, because it passed the House in lightning time. The Senate may or may not take it up. There is a cloture vote apparently that's scheduled. I don't think they have the votes. They should not have the votes.

But in any case, if someone comes into the United States the day before their 16th birthday and this bill becomes law the day of their 30th birthday, they would be covered under the DREAM Act. They would be able to apply for an application—that's presumed that they would have entered into an institution of higher learning. So you don't have to be going into a 4-year college to go off and become a brain surgeon. You could simply be entering into a tech school to become a plumber or an electrician or a barber or a beautician or whatever it might be that would be a 12-month study or more. Enter into it.

You don't have to get a degree. You have to have a high school degree, which can be gotten. A GED can be picked up, and then you could have never gone to school. You could pick up your GED and then apply to go off to beautician school. Those things are all that's required, and you would get approval for your permit that would give you immediately a green card, access to the welfare system, and the ability down the line in a little ways to bring in, through family reunification, all your family members. They could number in the scores, of your family members, all come in. This reward for somebody that next week might turn 30.

And the chairman of the Judiciary Committee tells me never fear, because they have good background checks and they have good, solid biometrics that they are using—checking out his word here—biometric information that's there with a good background check with the FBI doing this good background check, Mr. Speaker.

Well, I will tell you that it doesn't do lot of good to ask the FBI to do a background check on somebody that came into this country before or after their 16th birthday that doesn't have a legal existence in their home country. If they were not born in a hospital in Mexico, for example, it's almost all the time there is no birth certificate. And about half of the time they are not born in hospitals.

So with no birth certificate, there is often not a record of their existence. And they could be anybody saying they were anybody coming here, declaring that they came here at any time without a record to back it up. All the way to 30. And they will say, well, I came into the United States. My parents brought me in against my will the day before my 16th birthday, and next week I am going to be 30. I am qualified. I am signing up. And they will give them protection under the DREAM Act.

That's what they have passed off the floor of the House of Representatives tonight. It is a reward for lawbreaking. And it isn't for kids alone. These are old kids, a lot of them. Old kids that are in their twenties, kids that are in their thirties, kids that will perhaps be as near as—very close to or even possibly in their forties by the time that they would receive the citizenship that's promised to them under this DREAM Act.

Would we do something like that? Mr. Speaker, Thomas Jefferson once said that large initiatives should not be advanced on slender majorities. Well, this was a slender majority here tonight. It came very close. The vote was tied up on the rule, within one vote for a long time. There were 37 Democrats voted ''no'' on the rule.

Thirty-eight Democrats voted ''no'' on the bill, almost all of them Blue Dogs.

A lot of the Blue Dogs have been defeated in the election last November 2, and they are here for this week and next week. And for most of them, and possibly all of them, it will be the last time they serve in the United States Congress. And most of them are pretty good people, and they were pushed into this hardcore leftist agenda by Speaker PELOSI. They had that San Francisco agenda shoved at them over and over again—to use the Speaker's expression, I believe it was—made them walk the plank.

Well, the Speaker tried to get the Blue Dogs to walk the plank one more time tonight on this DREAM Act, this not aptly named, the wrongly named nightmare named the DREAM Act. It's a nightmare act. Tried to get the Blue Dogs to walk the plank, and they said ''no.'' They said ''no'' in numbers of 37 on the rule, 38 on the bill, because they are not going to go out of this town having handed the Speaker another victory that goes contrary to the best wishes of America and contrary to the American Dream.

Now, I believe in an immigration policy that's designed to enhance the economic, social, and cultural well-being of the United States of America. I believed that for a long time. And I think that American leadership has believed that, perhaps not articulated that the same way, but believed that for a long time.

And I reflect upon my grandmother coming over here through Ellis Island. And as I went through that tour at Ellis Island, it would be about 4 years ago—not quite—3½, I learned a good number of things. They gave everybody a very quick once-through physical. They watched them walk. They watched how they moved. If anybody was obviously pregnant, they put them back on the boat. If there were people that weren't good physical specimens, they went back on the boat. If they had signs of disease, back on the boat. If they had signs of not being mentally stable, back on the boat.

They screened them before they got on the boat in Europe and looked them over and gave them all those same kind of tests before they even let them board, because the United States of America, even at the height of our immigration heyday, at the peak of Ellis Island—in fact, the peak of Ellis Island was April 15, 1905—excuse me. I have got to get this year right. Think about it. April 15, 1907, when they had the largest processing of legal immigrants in the history of the country poured through Ellis Island on that day. April 15, 1907, 11,557 were brought through into the United States across the floors on the Great Hall.

□ 2300

On average, you could do the math, cut it down 2 percent, went back on the boat and went back to Europe, wherever they came from, because, they didn't meet the standards. Even though they had been screened before they got on the ship, they were screened before they could get off Ellis Island. And I don't know how many were screened out before they boarded, but I do know that 2 percent got sent back.

Why do we do that? Because we had it in the immigration system that was designed for America. It was designed to improve the economic, social and cultural well-being of the United States of America. Because we believed in something then that the folks on this side of the aisle believe today.

We believe, and I believe, in American exceptionalism. We are an extraordinary country, Mr. Speaker. We are extraordinary for a lot of reasons.

There are a series of pillars of American exceptionalism, beautiful marble pillars, stable, solid pillars that have been carefully cut and hewn and polished and our Founding Fathers understood that and they set them in place. And I think God moved the Founding Fathers around like men upon a chess board to shape this Nation.

When I look out across the world, and I think down through the heritage of nation after nation, and I look for a country that has a history that's even similar to the history of the United States—and I don't mean that as far as the chronology of the events that took place, the wars, the depressions, those things that happen—the foundation of our country. The foundation of the United States of America is absolutely and completely and utterly unique to any of that in the world.

If you look over the last 250 years or so, the most successful institution in the world, part of it, has really been our religious institutions. But arguably the most successful institution has been the nation state, nation states that emerged out of city states when they were merged together.

What did they come from? Peoples that had a common language banded together from city states into nation states and that's what brought about all of the myriad of nation states in Western Europe, for example. That's what has set up the boundaries of our nations across the globe.

If you speak Russian, you lived in Russia. If you speak German, you lived in Germany. It's not true, Mr. President, if you speak Austrian, you don't actually have—no one speaks Austrian. But if you speak German in Austria, chances are you are home. And Czech in Czechoslovakia and the list goes on. French in France, Spanish in Spain—it's not too implicated when you think about it.

But why do we have the nation states? Because people with a common interest, commonalities, banded together, protected their interests, defended their boundaries and their borders and made sure they took care of each other and they built their nation states.

England, you speak English. United Kingdom, they spread their language throughout the United Kingdom all the way into Asia and out into the Pacific and over to the Americas. They believed in their culture and they did glorious things for the world. Wherever the English language went, freedom accompanied the language.

But still no nation has been founded upon these principles of liberty and freedom like the United States of America. And you could say that we had a continent that needed to be settled, and you could argue that it was the quirk of history that brought this about, but, Mr. Speaker, it's far more unique than that.

If we look around and we could think South America was a continent to be settled, so was Central America. And what's the difference between the United States and Canada? I could give you a few, they are pretty close to us.

And then we could roll our vision down to Australia and see a continent there that's about the size of the United States that had to be settled, settled with a Western European influence. Still, they don't have the rights, they don't have the liberty that Americans have. The dynamics of their country, however good they are, they have been very good to us as allies, don't match that of the United States.

The things that bless this country are completely unique. We are founded on a core of our Judeo-Christian principles. The settlers that came here came here for freedom of speech and religion, freedom to worship as they saw fit. They wanted to get away from King George, and they wanted to come to a place where they could be free to worship God in their way.

It's true that Old English common law and these concepts of Western Civilization and the English-speaking component of the age of enlightenment were established there in old England. And that old English common law arrived here in the New World.

In fact, there is a plaque down here at Jamestown, Virginia, I think I will get the year right, and may well have been 1607, or really close to that—that old English common law arrived in the New World, Jamestown, Virginia just down the coastline here a ways. All those things, gifted to this Nation, blessed this Nation, made us unique, is American exceptionalism.

And the rights that emerged in the Bill of Rights, freedom of speech, religion, the press, freedom to peaceably assemble and petition the government for redress of grievances, the right to keep and bear arms shall not be infringed, the Fifth Amendment property rights, the right to be protected from double jeopardy, the concept of federalism that pushes those rights, rights of government that are granted to government by the people and rights that come from God. Now those are new concepts. Those concepts still don't exist in the world in the way they do here in the United States.

So when we get into these debates where people want to undermine the

rule of law and tell me that their version of compassion is worth risking these beautiful marble pillars of American exceptionalism, that we ought to have enough compassion that we could just, for the moment, set aside these values that made this a great Nation. How can people think like that?

The thing that we should protect the most is our core faith and these beautiful, marble pillars of American exceptionalism. We must protect them. That's our oath. We take an oath to uphold the Constitution of the United States. That's our commitment.

You can't take an oath to a Constitution that's living and breathing. You can't take an oath to what some activist judge might decide it's going to be in a year or two or five or ten. The very last nine people on the planet that should be amending the United States Constitution are those nine Supreme Court justices. But occasionally they, in effect, do amend the Constitution. And I don't believe there should be anybody sitting on the bench that doesn't adhere to the deepest conviction that the Constitution means what it says and it means what it was understood to mean at the time of its ratification or the ratification of the succeeding amendments.

That's what the Constitution is. It's a contract. It is a guarantee. And our Founding Fathers made it very clear, our rights come from God. We hold these truths to be self-evident.

Our rights come from God, and the rights come to the people and the people grant the right to govern to their elected representatives and the Constitution guarantees us not a democratic form of government, not a democracy, as some would say. The United States Constitution guarantees us a Republican form of government, and I mean that as a representative form of government that's not designed to put our finger into the wind. It's designed to elect representatives who owe their constituents and everybody in this Nation their best effort and their best judgment, and we have to keep that oath to uphold the Constitution.

These are just some of the foundational principles of this great Nation, and its concepts of American exceptionalism, which is at risk because of what we saw happen here tonight, the people that would undermine the rule of law and reward people for breaking it and give them a free college education at the expense of people who are having to pay for it and don't have the access to that benefit are undermining the rule of law. They are damaging the concept of American exceptionalism and rewarding the people that have undermined our rule of law itself, American exceptionalism, and it comes from these things that I said.

They are the Bill of Rights, most of them. All of these rights, freedom of speech, religion, right to keep and bear arms, property rights, no double jeopardy. The list goes on. The Bill of Rights has most of them. It leaves a couple of them out.

One of those is free enterprise capitalism, the ability to be able to—and I mentioned property rights, Fifth Amendment property rights. But the ability to own property and know that if you pay the property tax on that property, government can't come take it away from you and that the assets of that can be used as collateral to leverage, to invest in businesses and start jobs and do the things we choose to do.

There are a myriad of individual decisions. That's another foundational concept. The free enterprise component of this, why is it, Mr. Speaker, why is it? At country after country, they don't form capital. They might start businesses, but they are in a little subsistence business where they are selling trinkets or selling snacks. But they are hand to mouth, getting by, not investing that capital, not building let's just say if you have the hot dog cart out there, they just go every day and sell the hot dogs.

□ 2310

But they're not turning it into a franchise. They're not building a restaurant, not building a chain of restaurants, not getting an idea on now I have all this equipment in here; I can start a stainless steel shop that will build all this restaurant equipment and market it to the world.

Americans are full of ideas. We're a dynamic people. We're not suitable to live under any other form of government because we are a robust, vigorous society. And since I've gone through this list of reasons for American exceptionalism, and it's not exclusive, I have this other piece, Mr. Speaker, and it's this: Americans are full of vigor. We're the cream of the crop of every donor civilization on the planet that sent legal immigrants here. We're the cream of the crop.

The reason we are, when I say ''we,'' I'm a descendant of, but the biggest reason we are is it was hard to get here, but there was a great reward that you could earn when you got here. And some people came here believing the streets were paved with gold, and others came here and paved their own streets with gold because there was room to achieve in the United States. And the people that came here had an extra vigor because their dream drove them to do that.

And so there's a filter that's been set up worldwide. It sets up at the borders of the United States, this the sovereign Nation, with our borders, and you can't be a nation state if you don't have borders and you can't call them borders if you don't defend them. But our borders were set up and people had a hard time getting here and getting through the system.

They had a hard time, like my grandmother, walking across the Great Hall at Ellis Island, and getting, being granted entrance into the United States of America, but they had vigor and they had a dream. They had things they wanted to build, and they didn't waste time. They didn't let grass grow under their feet. They went to work, and they committed themselves so much to this country, that they expected that the first one of my family that passed away here, the rest of them will be buried around her, and to a certain extent that seems to be the case. And I don't know the whole history of it and so I'm cautious about speaking it into the CONGRESSIONAL RECORD, Mr. Speaker. But I do know that my grandmother came here and sent some of her sons back to Europe to fight in the war against the fatherland. She was committed to America. She directed my father, who went to school, not speaking English, to never speak anything but English in the home so she could learn it because she said, I came here to become an American, and you shall go to school and learn English and bring it home and teach it to me.

English needs to be the official language of the United States of America. A common language is what binds us together. And this vigor of Americans that comes from every country in the world and every walk of life, this unique vigor, because of this filter, kept the slackers out. The doers got here because it was hard to get here and it helped to be inspired by a dream, and they came.

And so every donor civilization contributed to America, their vigor, the cream of their crop. And now here we are. We are—some people will disagree with this, but I will tell you, Mr. Speaker, we're a race of people. There is an American race of people. We're not just sometimes what we look like, all of these colors and different configurations of God's creation in his image. We're more than that. We're a lot more than that. We have common interests. We have a common bond. We've experienced a common history. We have common rights, common privileges and a common dream, and that's to leave the world a better place than it was when we came and pass it along to our children so they can do the same. It's in our culture. It's part of our being. It's who we are. We are a common race of people as far as looking at us as Americans, but we are uncommon as compared to the rest of the world because of all of these reasons that I have said.

And we need to understand that. We need to understand what made us great. We need to preserve and protect and defend and polish those beautiful marble pillars of American exceptionalism. We need to understand what made us great and protect it and preserve it and enhance it.

And these things that go on here in this House of Representatives, in this lameduck Congress still being driven by the repudiated majority, that can take a bill that they call the DREAM Act that's been rejected by the American people over and over again, at least in the polls and of those that understand what it is, and suspend the

proper function of this Congress and bring a bill like that to the floor, how?

Well, here's the proper way first, Mr. Speaker, in case that's not something that you've had an opportunity to evaluate. The proper order is this: some Member of Congress comes in, writes up a bill, says I think we need this in the law of the land. They go down here and file the bill here at the well at the Clerk's location here at the well, and then that bill is referred to a committee. Now, if it gets enough legs, if it gets enough cosponsors on it where you think it has some substance, there can be a hearing before a subcommittee or two or three or four.

The subcommittee then can take action on it and perhaps vote it and pass it into the full committee. The full committee can then hold one or two or three or four hearings also to inform all the other members of the committee. And they can then, when I say pass the bill, at each point of committee action it's an unlimited number of amendments that are germane and in order, but an unlimited number of amendments that can be offered to seek to perfect the legislation.

That's how it's been set up. It's got to be set up in such a way that you can actually fix a bad bill before it gets to the floor. And so a bill that's introduced goes through a hearing and markup process in the subcommittee. Then it goes through a hearing and a markup process in the full committee. Then it goes up to the Rules Committee, the hole in the wall up here on the third floor, where sometimes they run into a little trouble because those folks don't work out in the light of day. They work sometimes at night. There's no television camera in there. Reporters don't go up there; they think it's a little boring and maybe it's not really news. If they'd come up there more often I might go up there and make some news, Mr. Speaker, because I think it would be nice to let the American people know what's going on.

So then the Rules Committee passes a rule that sends the bill to the floor. Actually, it sends a rule to the floor. We debate on whether we want to accept the rule. If we vote the rule down, it goes back up to the Rules Committee and we say get it right and send it back to us again. So we deport the rule back up to the Rules Committee in the hole in the wall, just to keep it descriptive in my language, and they come back and try again. It doesn't happen very often that a rule comes down, but once a rule is there it sets the parameters by which we debate a bill.

And our Speaker-designate BOEHNER has told the world, and I'm very glad that he has, that we are going to have far more transparency and far more open rules on our bills. So that allows Members to offer amendments and try to perfect this legislation. That's how it's supposed to work.

So a bill would come to the floor, in theory, under an open rule that would allow any Member to offer an amendment, debate it here on the floor, force a vote, force a recorded vote, or require a recorded vote. I shouldn't use the word ''force.'' It should be a process that people in this Chamber are willing to go through and are actually eager to improve legislation that otherwise might not be as good as it can be.

And then, once the amendments are all heard and voted on and resolved, then the bill can be certainly debated in its form, final form, and placed upon its passage or, if the House passes that legislation, we message it to the Senate, right down that hallway, and they either take it up or kill it. If they take it up, they go through a similar process. That's how it's supposed to work.

The DREAM Act, this nightmare act, had an entirely different experience than I've just described, Mr. Speaker, because it didn't really exist in this House of Representatives anywhere in the form that it came to the floor today.

It worked out like this: Speaker PELOSI decided that she wanted to go along with the majority leader in the Senate, HARRY REID, and they would force a vote on the DREAM Act, whether it could ever become law or not. And so, instead of going through the hearing process and the markup process, subcommittee, full committee up to the Rules Committee and down, they just went to the Rules Committee. At some 3 this afternoon, this bill that I don't know that anybody had an opportunity to read it before it was presented to the Rules Committee. I know that I didn't, but I maybe could have caught up with it a couple of hours earlier.

In any case, all these versions floating around, nobody can figure out what's going to move. Down from the Speaker's office comes a bill, dropped into the Rules Committee. They take this up. A little e-mail goes out to some of our staff to let us know that they're going to be hearing testimony on the rule. No amendments allowed. Some Members, myself included, go to testify before the Rules Committee. We know they're going to say no to any suggestions that we make, including any amendments that we might try to offer, even though there wasn't really time to configure them upon notice.

They report out a same day rule that says, this Congress is going to hear this bill right away. So the Rules Committee meets on a bill we haven't seen at 3 in the afternoon. A few hours later it's here on the floor for a vote on the rule. A few hours later it's here on the floor for 30 minutes of debate on this side, 30 minutes of debate on this side. And an amnesty bill that's twice the size of the 1986 amnesty bill passes off the floor of the House of Representatives.

□ 2320

Now it is messaged to the Senate where HARRY REID has asked for it. And this sunlight? This is a responsive Congress? No, this is an act of a Congress that has been repudiated for the same reasons. There is a reason why so many Democrats are going home. And I for one feel a little bad that some of the best are the ones who are going home. Some of the Blue Dogs are some of the best to work with. They reflect American values in my view more than a lot of the others. They have been defeated because of these kind of shenanigans, these kinds of tactics, these kind of acts that close the system down, lock the Members out so the franchise, and there are 435 Members of the House of Representatives, and there is not anybody who sits in these seats whose constituents deserve less representation than anybody else. Everybody's franchise deserves to be heard, and the will of the group should be brought up through the leadership and should be manifested in legislation here on the floor, sent to the Senate. If it comes back and it doesn't match, we should have our say as well. That is not what has been happening. The right way is around the corner—I think we take it up in January.

But we Americans, we Americans that believe in American exceptionalism, we Americans who take an oath to uphold the Constitution, we Americans that adhere to and uphold the rule of law, which I believe is implicit in our oath to the Constitution, reject the idea of this nightmare act that I believe turned into an affirmative action amnesty act for 2 million or more people that could be tripled.

And our immigration policy that we have here, Mr. Speaker, is already so bad. It doesn't reflect the best interest of America. It doesn't reflect the economic, social and cultural well-being or enhance it in the fashion I believe it should. Existing immigration law is set up in such a way that merit is almost out of the question. To evaluate the people coming across Ellis Island and turn 2 percent of them back after they had already been screened and filtered on the European side before they got on the ship tells you there was at least a merit system.

But here in the United States, if you look at the legal immigration, and the legal immigration number will range up to 1.5 million a year, there is no country that is even close to as generous as we are with legal immigration. But of all of that, some place between, and this is testimony before the immigration committee, some place between 7 and 11 percent of our legal immigration is based on merit. The balance of it is out of our control.

So that means that between 89 and 93 percent of our legal immigration is in the hands of the people who are deciding they are going to come here rather than in the hands of Americans who would decide which people would come here. It is completely out of sync with the values of a lot of the other Western civilization countries like Canada, the United Kingdom, and Australia. They have immigration policies that are designed to bring the best people into

their country and not put burdens on the taxpayers and their society.

I can't make the grade to go to Canada because I'm too old. I would be relying on the government to feed me too soon, and my education level is not high enough. I don't know about my years left to work, but you put it into the score system they have, I can visit but I cannot go live. That is how they would be. So if they reject STEVE KING in Canada, we should be able to say no to some folks that want to come to the United States, especially those who broke our laws.

This legislation, this DREAM Act, this nightmare act, has a number of things in it that the American people need to know. It is a hardcore, leftist, liberalism piece of amnesty legislation. It provides for protection for people who have broken the laws in this way: They would still get a DREAM Act registration that would protect them from deportation even if they had been alien absconders, people that were set for deportation hearings and skedaddled and didn't show up, those people who were going to be adjudicated for deportation, alien absconders, they will be protected. They can sign up under DREAM, and then they are shielded from being prosecuted and deported. Even if they were an alien absconder, even if they were guilty of document fraud, no problem, we will give you a college education, sit you at a desk. If you have false claims of being a United States citizen, that is no problem either. You are still eligible under the DREAM act. We will give you a college education, too, even though you have lied about your citizenship. Even aliens who have been deported who would sneak back into the United States and the deportation records are there, they sign up for the DREAM, they will not be deported either. What a reward.

So there will be all kinds of people who will sneak into the United States who will go ahead and sign up right away for this DREAM Act because they will be protected from deportation. Even though it requires that they be no older than 30 at the time of enactment and that they came into the United States before their 16th birthday and they have been here for 5 years, who is to know? Who is know whether it is valid or whether it isn't? Who is to know how old they are if they don't have a real birth certificate? Who is to know if they have a high school education, a GED? Who is to know if they have completed a 2-year education at a tech school?

But I know that I did receive in my email a Web site tonight that is in the business of selling these false documents, these false diplomas, helping people be in a position where they can qualify already where the States have made these provisions.

It is a big business. Fraud and corruption is a big business. It is a big business in the countries they are coming from, and it is becoming a bigger business in the country they are coming to, the United States of America. We have been a clean country that respects the rule of law. We are a proud nationality. We are a race of people. We have a common cause, a common belief system. We believe in the rule of law. It is our job to uphold that, and this bill, this DREAM Act undermines it.

And it costs a lot of money. The Congressional Budget Office, the CBO, put out a score that has been touted by the other side that somehow it turns into a plus for the U.S. budget because some people will get a better education, and they will earn more money and pay more taxes. I don't think this thinks this through very far, but I can tell you in the second decade even the Congressional Budget Office says that it is going to be a cost of $5 billion to the taxpayer. And I can tell you that the Center For Immigration Studies, CIS, has done a study on the cost for State and local government, and that would be $6.2 billion a year. That is each year. That doesn't necessarily project out over a decade, a couple of years perhaps, maybe longer. They only did a couple of years: 6.2, so $12.4 billion is pretty close to what I think they will commit to.

And the tripling of the number of green cards, the billions of dollars in debt, the people who get a safe harbor who are alien absconders, any alien who has a pending application will be protected from deportation. And this amounts to a de facto scholarship for those who, if ICE were required to deliver that de facto scholarship and before they handed it to them, they would have to apply the law and make sure that they woke up in a country that they were legal in within a few mornings. Those are the facts.

And, furthermore, the most egregious aspect of this is this: this is going to provide for in-State tuition discounts for people who are today illegal in America. And they didn't all come in because their parents brought them. Many of them came in on their own, coming across the border at age 12, 13, 14, 15, turning 16. Many of them will be up to 30 years old saying they were brought into the country when they were 10 or 12. There will be no records to prove that. Here is what happens. Those people who are here illegally that are eligible for removal are today and would be under this act sitting in college classrooms with a taxpayer-funded college education, sitting at a desk. And in California, a resident of California, zero tuition.

But if my son or daughter-in-law wanted to go to California to go to college, they would have to pay out-of-State tuition. Out-of-State tuition for California institutions annually would be $22,021 a year. Can you imagine writing a check for $22,021 a year to go to college in California, and sitting in a classroom at a desk next to someone who is unlawfully in the United States who is getting a free education paid for by the taxpayers? How much that would burn you if you are an American citizen in good standing, a taxpayer, an individual and a family that has funded and contributed to this government in the way that most of us do.

□ 2330

There is no justice or equity there, and it cannot be reconciled. I would add to this that it gets even worse, and if this bill passes, I am convinced it will exist all over this country.

People who are illegal here in America will have their taxpayer-funded and, in some States, free education. In Iowa, it costs them about $3,000 a semester, and it costs the out-of-State people about $9,000 a semester; but in some States, it's a free education. They'll be sitting at desks in a classroom, next to a grieving widow, who has lost her husband in Iraq or in Afghanistan and who has elected to go across the State line in order to go to college out of State, and she is paying out-of-State tuition. It's $22,021 in California. A grieving widow of an American patriot, who gave his life defending our liberty and our national security, a grieving widow who maybe has children who have lost their dad, maybe now is going back for training because she knows she is now the principal breadwinner in that family. She is paying out-of-State tuition, and is sitting at a desk next to someone who is unlawfully in the United States, someone who is getting a free college education that is paid for by the taxpayers.

That is what this DREAM Act sets up. It is irreconcilable. It is an impossible conundrum that should not be visited upon the American people. This DREAM Act must be killed. We wounded it here in the House: 37 Democrats voted ''no'' on the rule, and 38 Democrats voted ''no'' on the bill. Due to health reasons, we had some Republicans who weren't able to vote. Otherwise, it would have been closer. I actually look out and think we were close to mustering enough votes to defeat this poorly named ''DREAM Act,'' which really is the ''affirmative action amnesty act in America.''

We should know better. We can do better. I am hopeful that the United States Senate will step up, will speak up and will vote down this DREAM Act when the majority leader in the Senate brings it up, which may be tomorrow. I suspect what will happen is that he won't have the votes, but he will try it anyway, because this has all been political from the beginning. He has realized it is not going to become law, but he made a promise to his constituents: If you will reelect me, we will give you a vote on this DREAM Act.

The gentleman from Chicago, who had pushed on this so hard, got his vote today. We saw the results of it here in the House in this lame duck Congress, in this repudiated 111th Congress that has been led by NANCY PELOSI.

I think about Thomas Jefferson, who once said large initiatives should not be advanced on slender majorities. Well, this was a slender majority, and this is a large initiative. This initiative

of amnesty under the DREAM Act is so large that it's twice the size of the Amnesty Act of 1986, and we have seen the fraud triple the estimates. So, if that's the case, this could become—pick your number—3 million to 6 million people who would get amnesty. Then they will start bringing in their extended families over and over and over again, generation after generation.

It gets out of control, and this poor America, which has between 7 and 11 percent of our legal immigration based on merit, based on people who are going to encourage and enhance and develop the economic, social and cultural well-being of the United States of America, starts to fall apart a little more. It gets undermined a little more, and the principles that make us great are undermined a little bit more.

We need to be in the business of refurbishing those pillars of American exceptionalism, of not getting out the jackhammer and chiseling away at them as was done here today by this PELOSI-led Congress.

So, if Thomas Jefferson said large initiatives should not be advanced on slender majorities—and he did—he didn't contemplate about large initiatives being advanced by repudiated Congresses that have been voted out of office and by Congresses that should go meekly out the door in respect for the will of the American people. They should do nothing that violates a sense of decency and the will of the American people—nothing. Only provide the functions that are necessary to get this government bridged over to the other side so that the new Congress can be seated and so that those new 87 freshman Republicans and however many Democrats there are—nine or so—can take this oath of office here on the 4th day of January and go to work, go to work fixing and saving America from the debacle that has been visited upon her by a dysfunctional Congress that writes bills in the Speaker's office, that brings them zigged through the hole in the wall of the Rules Committee and zagged down to the floor, bills with no amendments and with 30 minutes of debate on each side to try to resolve an issue. There is no time to penetrate with a concept in 30 minutes. You can't fix a bill with talk and with being denied a motion to recommit, which is standard practice in this place.

So there is no possible way to put up a motion that is going to fix a bill here. It is a bad bill. It damages the rule of law. It grants amnesty. It costs tens of billions of dollars. It rewards people for breaking the law. It gives them a tuition discount, an in-State tuition discount. If it's Iowa, it's $3,000 a semester versus $9,000 a semester in round terms. If it's California, it's free tuition versus $22,021.

That's the America they are building. Americans saw what was going on—debt and deficit, irresponsible spending, damaging the rule of law, breaking down the American culture and civilization—a Constitution demolition crew at work every day. They said, You're digging us a hole, and we aren't going to take it anymore. The American people rose up and took the shovel out of the hands of Barack Obama and NANCY PELOSI, and they made it a lot harder for HARRY REID.

So what do we have going on?

NANCY PELOSI is still digging because, technically, the shovel is not out of her hands yet. She lined up all of those Blue Dogs, and said, I'm going to make you walk the plank one last time before you go home for the last time. They said no. They stepped off the side of the plank, and voted against the rule and voted against the DREAM Act, and they sent a statement as they walked out the door.

Well, I think there are a lot of them who deserve credit for serving America in the fashion they have. Those who stood up to the courage of their convictions deserve our thanks. Those who came to this place to work in good faith deserve the gratitude of the American people. As for those who disagreed with me and who made a good argument, I hope, if you're right, it prevailed. It is my privilege to have served with people on both sides of this aisle as I think that the debate is essential and important.

From my standpoint, I will stand up for the things I believe in and will debate them with those folks who have beliefs that disagree with mine, believing as our Founding Fathers did that, in that debate, we will sort out the right policy for this country.

But when you shut the debate off, when the iron fist of the Speaker shuts out the committees and writes the bill in her office and sends it to the floor with no amendments and no motion to recommit, you end up with a terrible piece of legislation. You break faith with the American people, and you break faith with the franchise of every other Member of this Congress on both sides of the aisle. That is what has happened here over and over again over the last 4 years, and it has gotten worse each year.

□ 2340

This is one of the starkest examples. Who would have thought that in a lame duck session, when we had big things to do and big things to worry about, the Speaker would push an amnesty act out here in a lame duck session in a repudiated Congress and not give all of those freshmen an opportunity to weigh in on this? They are the new voices. They are the new voices for America. They are the new vigor. They are the convictions of this United States of America.

I look for good things from them, big things from them. I want to see them empowered to the maximum. Their fresh ideas and their energy and the cohesiveness that I hope is that class. I believe they will put a marker down in history that will meet that standard perhaps of the 1994 class—of which some are here, still here—and take us on up to another level. In that class, I expect we will see committee chairs and we will see new majority leaders. Maybe there is a Speaker in that class. Maybe there is a majority whip in that class or a conference chair, maybe all of them. There might be a President of the United States that's coming into this Congress that will be sworn in here on January 4. All of those things are possible, and most of them are likely, Mr. Speaker.

I look forward to the new breath of fresh air that is arriving in this Congress. I look forward to Speaker BOEHNER, who will be offering transparency here in this Congress. I look forward to the voice of every Member being heard with respect. And those ideas that can prevail in the arena of ideas, which is here in this debate on the floor of the House and in our committees, are the ones that are the best ideas for the American people.

We will get there. We've got a lot of things to reconstruct. We've got a lot of undoing to do. And it's not going to be an easy job and it won't be a short job. We will be undoing perhaps for the next 2 years while we elect a President that will help us do in the following 4 years.

America will never be chiselled to perfection, but it's our charge, it's our struggle to work on it every day, to get it as close to right as we mortals can so that when it's handed off to the next generation, they can be proud of the toil that we did here and understand there was a vision and a commitment, and that we kept, in this new majority, our oath to uphold the Constitution of the United States.

Mr. Speaker, I appreciate your indulgence and attention here tonight and the opportunity to address you here on the floor and close out the business for the day, and I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MITCHELL) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, December 15.

Mr. JONES, for 5 minutes, December 15.

Mr. GRAVES of Georgia, for 5 minutes, today.

Mr. ROHRABACHER, 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. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes, to the Committee on Education and Labor.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs''.

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Thursday, December 9, 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 H.R. 6495, the Robert C. Byrd Mine Safety Protection Act of 2010, as amended, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6495, THE ROBERT C. BYRD MINE SAFETY PROTECTION ACT OF 2010, WITH AMENDMENTS

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET DECREASE (−) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact [a]	−7	−12	−12	−12	−12	−12	−12	−12	−12	−12	−55	−115

[a] H.R. 6495 would require operators of underground coal mines, underground metal mines, or other underground mines that contain specified concentrations of flammable gasses to improve employee safety measures and to comply with new standards regarding employee rights.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10716. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tristyrylphenol ethoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0095; FRL-8851-6] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10717. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

10718. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans For Designated Facilities and Pollutants, State of Delaware; Control of Emissions from Existing Hospital/Medical/Infections Waste Incinerator (HMIWI) Units, Negative Declaration and Withdrawal of EPA Plan Approval [EPA-R03-OAR-2010-0771; FRL-9233-4] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10719. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona; Withdrawal of Direct Final Rule [R09-OAR-2010-0718; FRL-9233-1] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10720. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Withdrawal of Direct Final Exclusion [EPA-R06-RCRA-2010-0066; SW FRL 9231-4] received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10721. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandatory Reporting of Greenhouse Gases: Injection and Geologic Sequestration of Carbon Dioxide [EPA-HQ-OAR-2009-0926; FRL-9232-6] (RIN: 2060-AP88) received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10722. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Federal Requirements Under the Underground Injection Control (UIC) Program for Carbon Dioxide (CO_2) Geologic Sequestration (GS) Wells [EPA-HQ-OW-2008-0390 FRL-9232-7] (RIN: 2040-AE98) received November 23, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10723. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2010 to September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

10724. A letter from the Chairman, Consumer Product Safety Commission, transmitting Fiscal Year 2010 Annual Performance and Accountability Report; to the Committee on Oversight and Government Reform.

10725. A letter from the Associate General Counsel, Deparment of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10726. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10727. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10728. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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10730. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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10732. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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10738. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10739. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10740. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10741. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10742. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10743. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10744. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10745. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

10746. A letter from the Chairman, International Trade Commission, transmitting the Commission's Performance and Accountability Report for FY 2010; to the Committee on Oversight and Government Reform.

10747. A letter from the Chairman, Railroad Retirement Board, transmitting the Board's Office of Inspector General Semiannual Report for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

10748. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2010-0680; Directorate Identifier 2008-NM-195-AD; Amendment 39-16482; AD 2010-22-03] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10749. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, and -243 Airplanes, and Model A330-300 Series Airplanes [Docket No.: FAA-2010-0697; Directorate Identifier 2010-NM-102-AD; Amendment 39-16485; AD 2010-22-06] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10750. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS 350 B, BA, B1, B2, B3, and D, and Model AS355 E, F, F1, F2, and N Helicopters [Docket No.: FAA-2010-0611; Directorate Identifier 2009-SW-18-AD; Amendment 39-16487; AD 2010-22-08] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10751. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model MBB-BK 117 C-2 Helicopters [Docket No.: FAA-2010-0780; Directorate Identifier 2009-SW-68-AD; Amendment 39-16486; AD 2010-22-07] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10752. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PILATUS Aircraft Ltd. Model PC-7 Airplanes [Docket No.: FAA-2010-0849; Directorate Identifier 2010-CE-043-AD; Amendment 39-16488; AD 2010-22-09] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10753. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 0070 and 0100 Airplanes [Docket No.: FAA-2010-0516; Directorate Identifier 2009-NM-251-AD; Amendment 39-16484; AD 2010-22-05] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10754. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Corporation Model MD-90-30 Airplanes [Docket No.: FAA-2010-0645; Directorate Identifier 2009-NM-200-AD; Amendment 39-16483; AD 2010-22-04] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10755. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co. KG. (RRD) Models Tay 650-15 and Tay 651-54 Turbofan Engines [Docket No.: FAA-2007-0037; Directorate Identifier 2007-NE-41-AD; Amendment 39-16489; AD 2010-17-12R1] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10756. A letter from the Program Analyst, Department of Transportation, transmitting the Agency's final rule — Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No.: FAA-2005-22690; Directorate Identifier 2005-NE-35-AD; Amendment 39-16495; AD 2010-23-06] (RIN: 2120-AA64) received November 15, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. MCGOVERN: Committee on Rules. House Resolution 1755. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111–675). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3190. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service cannot be sold violates the Sherman Act (Rept. 111–676). Referred to the Committee of the Whole House on the State of the Union.

Mr. POLIS: Committee on Rules. House Resolution 1756. Resolution providing for consideration of the Senate amendments to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (Rept. 111–677). Referred to the House Calendar.

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. NADLER of New York (for himself, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. POLIS, Mr. TOWNS, Mr. HASTINGS of Florida, and Mr. AL GREEN of Texas):

H.R. 6500. A bill to amend the Fair Housing Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, 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. CONYERS (for himself, Ms. JACKSON LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 6501. A bill to establish a national commission on presidential war powers and civil liberties; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), 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. GONZALEZ:

H.R. 6502. A bill to preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act; 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. BRALEY of Iowa:

H.R. 6503. A bill to require reports on the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 6504. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year the first-time homebuyer tax credit; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Ms. JACKSON LEE of Texas, Mr. RUSH, Mr. TOWNS, Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. GENE GREEN of Texas, Ms. SCHAKOWSKY, and Mr. CONYERS):

H.R. 6505. A bill to designate Pakistan under section 244 of the Immigration and Nationality Act to permit nationals of Pakistan to be eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. ROGERS of Alabama, and Mr. LATHAM):

H.R. 6506. A bill to amend section 798 of title 18, United States Code, to provide penalties for disclosure of classified information related to certain intelligence activities of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. LIPINSKI (for himself, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. DEFAZIO, Mr. PETRI, Mr. COSTELLO, Mr. DUNCAN, Ms. NORTON, Mr. EHLERS, Mr. NADLER of New York, Mr. WESTMORELAND, Ms. CORRINE BROWN of Florida, Mrs. MILLER of Michigan, Mr. FILNER, Mr. CAO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. CUMMINGS, Mr. BOSWELL, Mr. HOLDEN, Mr. BAIRD, Mr. LARSEN of Washington, Mr. CAPUANO, Mr. BISHOP of New York, Mr. MICHAUD, Mr. CARNAHAN, Mrs. NAPOLITANO, Ms. HIRONO, Mr. ALTMIRE, Mr. WALZ, Mr. SHULER, Mr. ARCURI, Mr. CARNEY, Mr. COHEN, Ms. RICHARDSON, Mr. SIRES, Ms. EDWARDS of Maryland, Mr. ORTIZ, Mr. HARE, Mr. SCHAUER, Mr. MCMAHON, Mr. PERRIELLO, Mr. GARAMENDI, Mr. JOHNSON of Georgia, Ms. MCCOLLUM, and Mr. ELLISON):

H.R. 6507. A bill to designate the buildings occupied by the Department of Transportation located at 1200 New Jersey Avenue, Southeast, and 1201 4th Street, Southeast, in the District of Columbia as the "James L. Oberstar United States Department of Transportation Building Complex"; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Pennsylvania:

H. Res. 1757. A resolution provding for the approval of 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; to the Committee on House Administration, and in addition to the Committee on Education and Labor, 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.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

405. The SPEAKER presented a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 30 to rescind all prior applications by the general assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United State of America; to the Committee on the Judiciary.

406. Also, a memorial of the House of Representatives of the State of Tennessee, relative to House Joint Resolution No. 30 to rescind all prior applications by the general assembly to the Congress of the United States of America to call a convention to propose amendments to the Constitution of the United State of America; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 176: Mr. GRAYSON.
H.R. 177: Mr. GRAYSON.
H.R. 178: Mr. GRAYSON.
H.R. 183: Mr. GRAYSON.
H.R. 185: Mr. GRAYSON.
H.R. 189: Mr. GRAYSON.
H.R. 503: Mr. LINDER and Mr. MCDERMOTT.
H.R. 673: Ms. CHU.
H.R. 678: Ms. WOOLSEY.
H.R. 891: Mr. QUIGLEY.
H.R. 949: Mr. MCGOVERN.
H.R. 1822: Mr. KLINE of Minnesota and Mrs. MILLER of Michigan.
H.R. 4051: Ms. SUTTON.
H.R. 4278: Mr. BISHOP of Georgia.
H.R. 4399: Mr. GRAYSON.
H.R. 4959: Mr. CROWLEY.
H.R. 5409: Ms. JACKSON LEE of Texas.
H.R. 5510: Ms. CHU and Ms. KILPATRICK of Michigan.
H.R. 5575: Mr. BRALEY of Iowa and Mr. HIMES.
H.R. 5748: Mr. ACKERMAN.
H.R. 5942: Mr. TOWNS.
H.R. 6028: Mr. RYAN of Wisconsin.
H.R. 6214: Ms. MATSUI.
H.R. 6227: Mrs. MCMORRIS RODGERS.
H.R. 6252: Mr. LUJÁN.
H.R. 6355: Ms. BORDALLO.
H.R. 6415: Mr. LATTA, Mr. GRAVES of Georgia, and Mr. BISHOP of Utah.
H.R. 6459: Mrs. BLACKBURN, Mr. TONKO, and Mr. DINGELL.
H.R. 6460: Mr. GRIJALVA and Ms. KILPATRICK of Michigan.
H.R. 6496: Mr. BACA, Mr. MEEKS of New York, Mr. WITTMAN, and Mr. KUCINICH.
H. Con. Res. 291: Mr. GALLEGLY, Mr. ADERHOLT, Mr. FRANKS of Arizona, Mr. QUIGLEY, Mr. BROUN of Georgia, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, and Mr. GRIJALVA.
H. Con. Res. 331: Mr. KING of New York.
H. Res. 1431: Mrs. BACHMANN and Mr. SCOTT of Georgia.
H. Res. 1567: Mr. HELLER.
H. Res. 1680: Mr. MCGOVERN.
H. Res. 1684: Mr. OBERSTAR, Mr. HASTINGS of Florida, and Mr. FARR.
H. Res. 1702: Mr. BLUMENAUER.
H. Res. 1722: Mr. FARR.
H. Res. 1732: Mr. DUNCAN and Mr. PAULSEN.
H. Res. 1734: Mr. FRANKS of Arizona, Mr. CAMPBELL, Mr. GARRETT of New Jersey, Mr. HELLER, and Mr. SIRES.
H. Res. 1738: Mr. HONDA, Mr. MCDERMOTT, and Ms. SPEIER.
H. Res. 1743: Mr. PIERLUISI, Mr. GARRETT of New Jersey, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. LUMMIS, Mr. TURNER, Mr. SCHOCK, Mr. DJOU, Mr. ROE of Tennessee, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Mr. LUCAS, Mr. PETRI, Mr. LANCE, Mr. LATTA, Mr. HELLER, Mr. BURTON of Indiana, Mr. HERGER, Mr. SULLIVAN, and Mr. SHIMKUS.

PETITIONS, ETC.

Under clause 3 of Rule XII,

178. The SPEAKER presented a petition of the American Bar Association, relative to Recommendation 109A urging state, local, territorial, and tribal governments to provide legal counsel to children and/or youth at all stages of juvenile status offense proceedings; which was referred to the Committee on the Judiciary.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

Vol. 156 WASHINGTON, WEDNESDAY, DECEMBER 8, 2010 No. 161

Senate

The Senate met at 9:31 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.

Gracious God, as the morning comes new every day, so are Your blessings new to us. Thank You for the blessing of Your presence that brightens this day, restores our faith, and fills us with peace. Thank You for the blessing of friends who support, encourage, and sustain us. Lord, thank You for the blessing of families who nurture and forgive and undergird us with love.

Thank You for the Members of this body, for their love of liberty, for their desire to make a positive impact on our world, and for their commitment to You. Guide them today so that Your will may be done on Earth even as it is done in heaven.

We pray in Your sacred 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, December 8, 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 live quorum to resume the impeachment trial of G. Thomas Porteous, Jr. Senators are encouraged to come to the floor immediately. Once a quorum is present, there will be a series of up to five rollcall votes in relation to the impeachment, the motion and articles in relation to the impeachment.

Upon conclusion of the impeachment proceedings, the Senate will recess subject to the call of the Chair in order to clear the Chamber. When the Senate reconvenes, we will resume consideration of the motion to proceed to S. 3991, the Public Safety Employer-Employee Cooperation Act, with the time until 12:30 p.m. equally divided and controlled between the two leaders or their designees.

The Senate will then recess from 12:30 p.m. until 3:30 p.m. to allow for a caucus the Democrats are having.

At 3:30 p.m., the Senate will resume consideration of the motion to proceed to S. 3991. There will then be a period of 30 minutes of debate. It will be equally divided and controlled between the leaders or their designees. Upon the use or yielding back of that time, the Senate will proceed to a series of up to four rollcall votes.

Mr. President, as to how we are going to schedule those votes, I have had inquiries from both sides. There are some issues tonight as to time, but we will do our best to be as cooperative as we can. We have a lot of votes we have to complete today. And I am likely going to move to my motion to reconsider on the Defense Authorization Act this evening, allowing, as I will indicate at that time, time for amendments to that piece of legislation. But I will be meeting with the Republican leader.

There is work being done on the tax issue. It is further along than most people would think. I do not think there is a great deal more work to be done on that, and then people can decide what they are going to do on it. I have a meeting contemplated with the Republican leader sometime later today to decide how we will proceed on that.

The votes this afternoon will be on the motion to proceed to the public safety matter I have just spoken about, the motion to proceed to the Emergency Senior Citizens Relief Act, the motion to proceed to the DREAM Act, and the motion to proceed to the Zadroga legislation which is the 9/11 Health and Compensation Act.

If cloture is invoked on a motion to proceed, there would then be 30 hours of debate, as we know.

IMPEACHMENT OF JUDGE G. THOMAS PORTEOUS, JR.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 8]

Akaka	Bennett	Bunning
Alexander	Bingaman	Burr
Barrasso	Bond	Cantwell
Bayh	Boxer	Cardin
Begich	Brown (MA)	Casey
Bennet	Brown (OH)	Chambliss

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Webb
Whitehouse
Wicker
Wyden

Mr. REID. Mr. President, is a quorum present?

The PRESIDENT pro tempore. A quorum is present. Senators will be seated.

COURT OF IMPEACHMENT

Under the previous order, a quorum having been established, the Senate will resume its consideration of the Articles of Impeachment against Judge G. Thomas Porteous, Jr.

(The House Managers, Judge Porteous, and counsel proceeded to the seats assigned to them in the well of the Chamber.)

The PRESIDENT pro tempore. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, Terrance W. Gainer, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States Articles of Impeachment against G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Senate deliberated yesterday evening for a long time on the Articles of Impeachment against Judge Porteous and related motions. We meet today to vote on the articles.

Before proceeding to vote on each of the articles, however, the Senate has agreed to vote on a motion that notwithstanding impeachment rule No. XXIII, the Senate shall disaggregate the Articles of Impeachment by holding preliminary votes on individual allegations in the articles.

Can the Chair confirm, for the benefit of Senators, that a ''yes'' vote is a vote to disaggregate the articles sought by Judge Porteous and a ''no'' vote is a vote to proceed directly to voting on the four Articles of Impeachment.

The PRESIDENT pro tempore. Before I proceed, will the panel be seated.

The majority leader is correct. The Senate will now vote on the motion to disaggregate the articles. Granting the motion requires a majority of Senators present.

VOTE ON MOTION TO DISAGGREGATE

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 Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 0, nays 94, as follows:

[Rollcall Vote No. 260]

NAYS—94

Akaka
Alexander
Barrasso
Baucus
Bayh
Begich
Bennet
Bennett
Bingaman
Bond
Boxer
Brown (MA)
Brown (OH)
Bunning
Burr
Cantwell
Cardin
Casey
Chambliss
Coburn
Cochran
Collins
Conrad
Coons
Corker
Cornyn
Crapo
DeMint
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Franken
Gillibrand
Graham
Grassley
Gregg
Hagan
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johanns
Johnson
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
LeMieux
Levin
Lieberman
Lugar
Manchin
McCain
McCaskill
McConnell
Menendez
Merkley
Mikulski
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Risch
Roberts
Rockefeller
Schumer
Sessions
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—6

Brownback
Carper
Dodd
Kirk
Lincoln
Sanders

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to reconsider that vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, before proceeding to the final vote on the Articles of Impeachment, I ask unanimous consent that Senators may be permitted, within 7 days from today, to have printed in the RECORD opinions or statements explaining their votes and that the secretary be authorized to include these statements along with the record of the Senate's proceedings in a Senate document printed to complete the documentation of the Senate's handling of these impeachment proceedings.

The PRESIDENT pro tempore. Hearing no objection, it is so ordered.

The majority leader.

Mr. REID. Mr. President, I remind all Senators to remain in their seats during voting on all four Articles of Impeachment. Under impeachment rule XXII, once we have begun voting on the first article, voting will proceed on each of the Articles of Impeachment. When their name is called, Senators shall rise from their seat and cast their vote. This will ensure that a decorum of the Senate is maintained while these grave proceedings are underway. These proceedings affect not only Judge Porteous but also the Senate and our system of government.

The Chair will shortly instruct the Members of the Senate on the question to be put and the manner of response.

The PRESIDENT pro tempore. The clerk will read the first Article of Impeachment.

The legislative clerk read as follows:

ARTICLE I

G. Thomas Porteous, Jr., while a Federal judge of the United States District Court for the Eastern District of Louisiana, engaged in a pattern of conduct that is incompatible with the trust and confidence placed in him as a Federal judge, as follows:

Judge Porteous, while presiding as a United States district judge in Lifemark Hospitals of Louisiana, Inc. v. Liljeberg Enterprises, denied a motion to recuse himself from the case, despite the fact that he had a corrupt financial relationship with the law firm of Amato & Creely, P.C. which had entered the case to represent Liljeberg. In denying the motion to recuse, and in contravention of clear canons of judicial ethics, Judge Porteous failed to disclose that beginning in or about the late 1980s while he was a State court judge in the 24th judicial district in the State of Louisiana, he engaged in a corrupt scheme with attorneys, Jacob Amato, Jr., and Robert Creely, whereby Judge Porteous appointed Amato's law partner as a ''curator'' in hundreds of cases and thereafter requested and accepted from Amato and Creely a portion of the curatorship fees which had been paid to the firm. During the period of this scheme, the fees received by Amato and Creely amounted to approximately $40,000, and the amounts paid by Amato and Creely to Judge Porteous amounted to approximately $20,000.

Judge Porteous also made intentionally misleading statements at a recusal hearing intended to minimize the extent of his personal relationship with the two attorneys. In doing so, and in failing to disclose to Lifemark and its counsel the true circumstances of his relationship with the Amato & Creely law firm, Judge Porteous deprived the Fifth Circuit Court of Appeals of critical information for its review of a petition for writ of mandamus, which sought to overrule Judge Porteous's denial of the recusal motion. His conduct deprived the parties and the public of the right to the honest services of his office.

Judge Porteous also engaged in corrupt conduct after the Lifemark v. Liljeberg bench trial, and while he had the case under advisement, in that he solicited and accepted things of value from both Amato and his law partner Creely, including a payment of thousands of dollars in cash. Thereafter, and without disclosing his corrupt relationship with the attorneys of Amato & Creely PLC or his receipt from them of cash and other things of value, Judge Porteous ruled in favor of their client, Liljeberg.

By virtue of this corrupt relationship and his conduct as a Federal judge, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for, and confidence in, the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

The PRESIDENT pro tempore. The Chair will read, for the benefit of everyone present in the Chamber, paragraph 6 of rule XIX of the Standing Rules of the Senate, which states as follows:

Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

The Chair would deeply appreciate the cooperation of everyone in the Chamber and in the galleries in maintenance of order.

VOTE ON ARTICLE I

The Chair reminds the Senate that each Senator, when his or her name is called, will stand in his or her place and vote guilty or not guilty. Under the Constitution, conviction requires a vote of two-thirds present on any article.

The question is on the first article.

Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The rollcall is automatic. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—guilty 96, not guilty 0, as follows:

[Rollcall Vote No. 261]

GUILTY—96

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bennett	Gregg	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Hatch	Risch
Brown (MA)	Hutchison	Roberts
Brown (OH)	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Cantwell	Johanns	Sessions
Cardin	Johnson	Shaheen
Carper	Kerry	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Coburn	Kyl	Stabenow
Cochran	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Udall (CO)
Coons	LeMieux	Udall (NM)
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lugar	Warner
DeMint	Manchin	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wicker
Ensign	McConnell	Wyden

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT pro tempore. On this article of impeachment, 96 Senators have voted guilty, no Senator has voted not guilty. Two-thirds of the Senators present having voted guilty, the Senate accordingly adjudges that the respondent, G. Thomas Porteous, Jr., is guilty as charged in this article.

The Chair now asks the clerk to read the second article of impeachment.

The assistant legislative clerk read as follows:

ARTICLE II

G. Thomas Porteous, Jr., engaged in a longstanding pattern of corrupt conduct that demonstrates his unfitness to serve as a United States District Court judge. That conduct included the following: Beginning in or about the late 1980s while he was a State court judge in the 24th JDC in the State of Louisiana, and continuing while he was a Federal judge in the United States District Court for the Eastern District of Louisiana, Judge Porteous engaged in a corrupt relationship with bail bondsman Louis M. Marcotte, III, and his sister Lori Marcotte. As part of this corrupt relationship, Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. These official actions by Judge Porteous included, while on the State bench, setting, reducing, and splitting bonds as requested by the Marcottes, and improperly setting aside or expunging felony convictions for two Marcotte employees (in one case after Judge Porteous had been confirmed by the Senate but before being sworn in as a Federal judge). In addition, both while on the State bench and on the Federal bench, Judge Porteous used the power and prestige of his office to assist the Marcottes in forming relationships with State judicial officers and individuals important to the Marcottes' business. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench.

Accordingly, Judge G. Thomas Porteous, Jr., has engaged in conduct so utterly lacking in honesty and integrity that he is guilty of high crimes and misdemeanors, is unfit to hold the office of Federal judge, and should be removed from office.

VOTE ON ARTICLE II

The PRESIDENT pro tempore. Senators, how say you? Is the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 69, not guilty 27, as follows:

[Rollcall Vote No. 262]

GUILTY—69

Barrasso	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Grassley	Pryor
Begich	Hagan	Risch
Bennet	Inhofe	Roberts
Bingaman	Isakson	Rockefeller
Boxer	Johanns	Sanders
Bunning	Johnson	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Coburn	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Conrad	Leahy	Tester
Coons	Levin	Thune
Crapo	Lugar	Udall (CO)
DeMint	McCain	Udall (NM)
Dorgan	McConnell	Vitter
Durbin	Menendez	Voinovich
Enzi	Merkley	Warner
Feingold	Mikulski	Webb
Feinstein	Murray	Wyden

NOT GUILTY—27

Akaka	Corker	LeMieux
Alexander	Cornyn	Lieberman
Bennett	Ensign	Manchin
Bond	Graham	McCaskill
Brown (MA)	Gregg	Murkowski
Brown (OH)	Harkin	Reed
Burr	Hatch	Reid
Chambliss	Hutchison	Whitehouse
Collins	Inouye	Wicker

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT pro tempore. On this Article of Impeachment, 69 Senators have voted guilty, 27 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article II is guilty.

The Chair now calls upon the clerk to read the third article.

The assistant legislative clerk read as follows:

ARTICLE III

Beginning in or about March 2001 and continuing through about July 2004, while a Federal judge in the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., engaged in a pattern of conduct inconsistent with the trust and confidence placed in him as a Federal judge by knowingly and intentionally making material false statements and representations under penalty of perjury related to his personal bankruptcy filing and by repeatedly violating a court order in his bankruptcy case. Judge Porteous did so by—

No. 1, using a false name and post office box address to conceal his identity as a debtor in the case;

No. 2, concealing assets;

No. 3, concealing preferential payments to certain creditors;

No. 4, concealing gambling losses and other gambling debts; and,

No. 5, incurring new debts while the case was pending in violation of the bankruptcy court's order.

In doing so, Judge Porteous brought his court into scandal and disrepute, prejudiced public respect for and confidence in the Federal judiciary, and demonstrated that he is unfit for the office of Federal judge.

Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

VOTE ON ARTICLE III

The PRESIDENT pro tempore. The question is on the third Article of Impeachment. Senators, how say you? Is

the respondent, G. Thomas Porteous, Jr., guilty or not guilty?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 88, not guilty 8, as follows:

[Rollcall Vote No. 263]

GUILTY—88

Alexander	Ensign	Mikulski
Barrasso	Enzi	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bennet	Graham	Pryor
Bennett	Grassley	Reed
Bingaman	Gregg	Risch
Bond	Hagan	Roberts
Boxer	Harkin	Rockefeller
Brown (MA)	Hutchison	Sanders
Brown (OH)	Inhofe	Schumer
Bunning	Inouye	Sessions
Burr	Isakson	Shaheen
Cantwell	Johanns	Shelby
Cardin	Johnson	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Lautenberg	Udall (NM)
Conrad	Leahy	Vitter
Coons	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lugar	Webb
Crapo	McCain	Whitehouse
DeMint	McConnell	Wyden
Dorgan	Menendez	
Durbin	Merkley	

NOT GUILTY—8

Akaka	Lieberman	Reid
Franken	Manchin	Wicker
Hatch	McCaskill	

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT PRO TEMPORE. On this Article of Impeachment, 88 Senators have voted guilty, 8 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article III is guilty.

The Chair now calls upon the clerk to read the fourth Article of Impeachment.

The assistant legislative clerk read as follows:

ARTICLE IV

In 1994, in connection with his nomination to be a judge of the United States District Court for the Eastern District of Louisiana, G. Thomas Porteous, Jr., knowingly made material false statements about his past to both the United States Senate and to the Federal Bureau of Investigation in order to obtain the office of United States District Court Judge. These false statements included the following:

No. 1. On his Supplemental SF–86, Judge Porteous was asked if there was anything in his personal life that could be used by someone to coerce or blackmail him, or if there was anything in his life that would cause an embarrassment to Judge Porteous or the President if publicly known. Judge Porteous answered ''no'' to these questions and signed the form under the warning that a false statement was punishable by law.

No. 2. During his background check, Judge Porteous falsely told the Federal Bureau of Investigation on two separate occasions that he was not concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise him in any way or that would impact negatively on his character, reputation, judgment, or discretion.

No. 3. On the Senate Judiciary Committee's ''Questionnaire for Judicial Nominees'', Judge Porteous was asked whether any unfavorable information existed that could affect his nomination. Judge Porteous answered that, to the best of his knowledge, he did not know of any unfavorable information that may affect [his] nomination. Judge Porteous signed that questionnaire by swearing that ''the information provided in this statement is, to the best of my knowledge, true and accurate''.

However, in truth and in fact, as Judge Porteous then well knew, each of these answers was materially false because Judge Porteous had engaged in a corrupt relationship with the law firm Amato & Creely, whereby Judge Porteous appointed Creely as a ''curator'' in hundreds of cases and thereafter requested and accepted from Amato and Creely a portion of the curatorship fees which had been paid to the firm and also had engaged in a corrupt relationship with Louis and Lori Marcotte, whereby Judge Porteous solicited and accepted numerous things of value, including meals, trips, home repairs, and car repairs, for his personal use and benefit, while at the same time taking official actions that benefitted the Marcottes. As Judge Porteous well knew and understood, Louis Marcotte also made false statements to the Federal Bureau of Investigation in an effort to assist Judge Porteous in being appointed to the Federal bench. Judge Porteous's failure to disclose these corrupt relationships deprived the United States Senate and the public of information that would have had a material impact on his confirmation. Wherefore, Judge G. Thomas Porteous, Jr., is guilty of high crimes and misdemeanors and should be removed from office.

VOTE ON ARTICLE IV

The PRESIDENT PRO TEMPORE. The question is on agreeing on the fourth Article of Impeachment. Senators, how say you? Is the respondent, G. Thomas Porteous, guilty or not guilty?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—guilty 90, not guilty 6, as follows:

[Rollcall Vote No. 264]

GUILTY—90

Akaka	Bunning	Crapo
Alexander	Burr	DeMint
Barrasso	Cantwell	Dorgan
Baucus	Carper	Ensign
Bayh	Casey	Enzi
Begich	Chambliss	Feingold
Bennet	Coburn	Feinstein
Bennett	Cochran	Gillibrand
Bingaman	Collins	Graham
Bond	Conrad	Grassley
Boxer	Coons	Gregg
Brown (MA)	Corker	Hagan
Brown (OH)	Cornyn	Hatch
Hutchison	McCain	Sessions
Inhofe	McCaskill	Shaheen
Inouye	McConnell	Shelby
Isakson	Menendez	Snowe
Johanns	Merkley	Specter
Johnson	Mikulski	Stabenow
Kerry	Murkowski	Tester
Klobuchar	Murray	Thune
Kohl	Nelson (NE)	Udall (CO)
Kyl	Nelson (FL)	Udall (NM)
Landrieu	Pryor	Vitter
Lautenberg	Reed	Voinovich
Leahy	Risch	Warner
LeMieux	Roberts	Webb
Lieberman	Rockefeller	Whitehouse
Lugar	Sanders	Wicker
Manchin	Schumer	Wyden

NOT GUILTY—6

Cardin	Franken	Levin
Durbin	Harkin	Reid

ABSENT, NOT VOTING OR EXCUSED FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT pro tempore. On this Article of Impeachment, 90 Senators have voted guilty, 6 Senators have voted not guilty. Two-thirds of the Senators present having voted guilty, the verdict on article IV is guilty.

The Chair directs judgment to be entered in accordance with the judgment as follows: The Senate having tried G. Thomas Porteous, Jr., U.S. District Judge for the Eastern District of Louisiana, upon full Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senate present having found him guilty of the charges contained in articles I, II, III, and IV, it is therefore ordered and adjudged that said G. Thomas Porteous, Jr., be and is hereby removed from office.

The majority leader.

Mr. REID. Mr. President, it is my understanding that Judge Porteous is forever disqualified to hold and enjoy any office of trust, honor, or profit of the United States; is that true?

The PRESIDENT pro tempore. The leader is correct.

Mr. REID. Mr. President, I have an order at the desk. I ask that it be stated.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials, and also to the House of Representatives the judgment of the Senate in the case of G. Thomas Porteous, Jr. and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader is recognized.

Mr. REID. Mr. President, I move that the Senate, sitting as a court of impeachment for the Articles of Impeachment on G. Thomas Porteous, Jr., adjourn sine die and that when we return to legislative session, Senators MCCASKILL and HATCH, the two managers of this legislation, be recognized for 5 minutes each.

The PRESIDENT pro tempore. The motion is agreed to.

The Senate sitting as a court of impeachment is adjourned sine die.

Mr. REID. Mr. President, I therefore move that this man, Judge Porteous, be disqualified from holding office at any time in the future in the United States.

The PRESIDENT pro tempore. Is there debate on the motion? If not, the question is on agreeing to the motion to disqualify Judge Porteous from any further office.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 265]

YEAS—94

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Graham	Nelson (FL)
Begich	Grassley	Pryor
Bennet	Gregg	Reed
Bennett	Hagan	Reid
Bond	Harkin	Risch
Boxer	Hatch	Roberts
Brown (MA)	Hutchison	Rockefeller
Brown (OH)	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Coons	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lugar	Warner
Crapo	Manchin	Webb
DeMint	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	Wyden
Ensign	Menendez	
Enzi	Merkley	

NAYS—2

Bingaman	Lieberman

ABSENT, NOT VOTING, OR EXCUSED FROM VOTING—4

Brownback	Kirk
Dodd	Lincoln

The PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 2. The Senate having tried G. Thomas Porteous, Jr., U.S. district judge for the Eastern District of Louisiana, upon four Articles of Impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of the charges contained in articles I, II, III and IV of the Articles of Impeachment, it is therefore ordered and adjudged that the said G. Thomas Porteous, Jr., be, and he is hereby, removed from office; and that he be, and is hereby, forever disqualified to hold and enjoy any office or honor, trust, or profit under the United States.

The Chair will clarify that it requires a motion that the convicted official be disqualified from ever holding an office of honor, trust, or profit under the United States. The Senate has just adopted such motion.

Mr. REID. Mr. President, I send an order to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will state the motion.

The legislative clerk read as follows:

Ordered that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the rules of procedure and practice in the Senate when sitting on impeachment trials, and also to the House of Representatives, the judgment of the Senate in the case of G. Thomas Porteous, Jr., and transmit a certified copy of the judgment to each.

The PRESIDENT pro tempore. Without objection, the order will be entered.

The majority leader is recognized.

Mr. REID. Mr. President, I renew the request I made previously that the Senate, sitting as a court of impeachment for the Articles of Impeachment against G. Thomas Porteous, Jr., adjourn sine die, and as soon as we go to legislative session, Senator MCCASKILL be recognized.

The PRESIDENT pro tempore. Without objection, the motion is agreed to, and the Senate, sitting as a court of impeachment, is adjourned sine die.

Mr. REID. Mr. President, I ask unanimous consent that the order previously entered be vitiated directing that the Senate recess subject to the call of the Chair.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will return to legislative session.

The Senator from Missouri is recognized.

PORTEOUS IMPEACHMENT

Mrs. MCCASKILL. Mr. President, our Constitution is a glorious thing. It is in fact the envy of the world. One of the most effective and elegant elements of the foundation of our government is the provisions that provide for the checks and balances of our three branches of government.

It has been an incredible honor to participate in the impeachment process that was devised by very wise people very long ago, which actually provides the American people the reassurance that the Constitution is working the way it was designed to work when it comes to the checks and balances of the three branches of government.

The responsibilities of the modern Congress, both the House and Senate, are extensive. I don't need to spend much time talking about how busy we are right now. But the fact that we set aside everything that we were doing and came together and sat as a Senate and listened to the arguments and deliberated extensively about this impeachment should be reassuring to every American. I think the results are interesting in that it reflects that each Senator made an individual decision about the Articles of Impeachment. There was some unanimity on some of the counts, but on others it was Republicans and Democrats, conservatives and progressives, on both sides of the question. I think that shows the extent to which everybody made an independent judgment and took their responsibility very seriously.

I want to take a few minutes now to thank some people who are unsung heroes. Obviously, I thank the distinguished vice chairman, the Senator from Utah, for his support, experience, and wisdom in discharging the committee's duties. He was essential to this process and a great rock for me to lean on at many turns during this process. I also thank the 10 other members of the Impeachment Trial Committee for their devotion and diligence and commitment to this important work.

Then I want to take a couple of minutes to talk about the staff. I want to begin with Derron Parks, who is seated with me on the floor of the Senate. Derron walked into my office and was hired to be a legislative assistant for health care, in the middle of some pretty difficult times on health care. Then I said to him, ''By the way, can you run an impeachment of a Federal judge, also?''

As a brandnew member of my staff, he took on incredible responsibilities. All of the thanks I have received belong to him because he worked hard, he worked smart, he was a great leader, and he did a remarkable job of marshaling a bunch of Senators, a bunch of staff, a bunch of witnesses, a bunch of evidence, a bunch of legal research, and he did it in a way that I think the Senate can be very proud.

Also, I thank Tom Jipping, Senator HATCH's staff person, who helped with this as the deputy staff director for the Impeachment Trial Committee. He also put in an incredible amount of work and gave a very valuable contribution.

Justin Kim, counsel, was very important because whenever there was a disagreement about what was the right road to take in terms of historical precedence, rule of law, decisions on motions, he was always a good sounding board. There was always more than one smart lawyer in the room so that the ideas could be bounced back and forth and somehow we could come up with the right answer based on the law, the Constitution, and historical precedent.

Rebecca Seidel was also very valuable to the committee. She is another counsel who was essential in this process.

Erin Johnson, deputy counsel and chief clerk, did, frankly, some of the most difficult work, and that was making sure we had a quorum during the trial, which was hard, as you can imagine. Keeping Senators in one seat for

an extended period of time is tough. She managed to make sure that we always had the quorum the law demanded.

Lake Dishman, another member of the staff, did a wonderful job.

Susan Navarro Smelcer, an analyst on the Federal judiciary, CRS, did wonderful work for us in terms of allowing us some help on the research of the historical precedence and decisions that guided our way.

Morgan Frankel, Senate legal counsel, was on the floor for the conclusion of this impeachment matter. Like Senator HATCH, this wasn't his first time to deal with impeachment matters, so he was a wealth of information and wonderful help to us.

Pat Mack Bryan also did great work.

Grant Vinik and Tom Cabayero were also from the Senate legal counsel staff.

All of the committee members had staff people who helped. I will not put all of their names on the record now, but they will be made part of my entire statement. I will have more comments on the impeachment proceedings that I will insert in the RECORD.

I will conclude by saying that I am very proud to be a Senator today. There are days when that is not as easy to say. There are times when this place is pretty dysfunctional. But I am very proud of the Senate and how we conducted ourselves during this very important and grave proceeding. I think the responsibility was handled as the Founders would have wanted us to handle it, and I think we should all be proud of that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Utah.

Mr. HATCH. Mr. President, I wish to personally thank the distinguished chairwoman of this committee. I have been in the Senate a pretty long time, and she has done one of the best jobs I have ever seen done. There aren't very many impeachments—or should I say trials of impeachment, but of the ones I have seen, she ranks right up there in the top. All I can say is she ran a very good committee. She made very good decisions, she wasn't afraid to rule, she treated everybody with dignity and respect. She expected a lot of the members of the committee, which has to be the way, and she is a very intelligent and articulate and knowledgeable person. It has been my privilege to be able to serve with her and under her as vice chairman of this committee.

This is when you realize how important the Senate is, when all the Senators come together and they make decisions such as this, pro and con. Nobody should misjudge not guilty votes or guilty votes. I think every Senator voted the way he or she felt they should vote, and that was important.

I think much of the credit for the way this was all handled should go to the distinguished chairwoman, Senator MCCASKILL. She is an excellent human being, a wonderful leader on this committee, and, frankly, I am very proud of her for what she was able to do because this is not easy, and it does take a lot of time. It is similar to herding cats, trying to make sure you can get all these busy people on the committee or at least a quorum every time to be able to do business on the committee. She was able to do that.

I wish to compliment every member of the committee. Every member showed up and did a lot of work on this committee—some more than others, of course. But every one of the members of this committee worked to try to be fair and do what is right and to do justice in this matter.

Having said all that, I wish to pay tribute to Derron Parks myself. This young man deserves a lot of credit. To be thrown into an impeachment committee, when his main job was to work on health care, tested the legal acumen of this young man. I have to say he was one of the kindest, most decent, most honorable, most knowledgeable, and most intelligent people I have worked with in the Senate. He is a terrific person and I am very proud of him.

Thomas Jipping, on my staff. There are very few people around who have the experience Tom has. He is a very good lawyer. He was a constant guide and provided me with leadership. I don't think either Senator MCCASKILL or I could have done this without these two leaders on the committee.

The others were equally important to us and did very good work: Justin Kim, a wonderful human being; Rebecca Seidel. She worked with me long ago on the Judiciary Committee, is a very experienced lawyer and did a terrific job. Erin Johnson and Susan Smelcer were both critical to the work on the committee; Lake Dishman, who is on our staff and a very fine young man, who was willing to go every extra mile he could—as were all these other folks on the staff—to do what was right; Morgan Frankel and Pat Bryan from the Senate legal counsel's office. We couldn't have asked for better people, with more knowledge or more ability to lead and assist us.

Impeachment committees—or should I say the trial committee and the hearing of this is a very difficult undertaking. You are dealing with people's lives, you are dealing with people's reputations, and you have to do this in a completely fair and honest way, which I believe we did. This is one of the most important tasks the Senate does—extremely important—and I think the Senate acquitted itself very well today.

Every Senator voted his or her conscience today and, in some instances, that wasn't easy. Nobody should misjudge anybody's vote. Judge Porteous was convicted on all four articles and the vast majority of our Members felt that was proper.

At that point, I have to compliment the attorneys from the House. They were terrific. I have complimented them personally, and they know how I feel toward them, but the counsel for the House were very respectful, very knowledgeable, tremendously articulate in what they did and, frankly, acquitted themselves with great dignity and deserve all our respect. We should respect counsel representatives. It is not easy to impeach somebody in this day and age, but they did, and these folks did a terrific job and their counsel as well.

They are Alan Baron, Harold Damelin, Mark Dubester, and Kirsten Konar.

Having said that, the defense counsel did the very best job they could. Jonathan Turley is an imminent professor at George Washington University. I have known him for a long time. He is very innovative and creative. Some thought, in this particular matter, he was quite innovative and creative as well. But let me say he is a very intelligent and very knowledgeable man. His other cocounsel deserve great recognition for what they did here.

I feel sorry for Judge Porteous. To rise to the dignified position of a Federal district court judge and then have this happen, after 30 years in public service or more, I am sure is absolutely painful and a problem and damaging to his reputation. I wish him well. I hope he will analyze these things and make some changes in his life that will be better for him and for his family and others. He has a lot of friends down there in Louisiana, and I think probably earned a lot of friendship, but the Senate has ruled properly in this matter and the impeachment should be upheld.

He should have been convicted of at least one of these articles, if not all four. I don't believe he should have been convicted on two of them—and there were good legal reasons for not going that far in the case of the chairman and myself—but, nevertheless, I respect the votes of all my colleagues on the floor. I know they paid strict attention, sat through almost all the proceedings and the closed session as well, and I commend them.

Finally, I wish to commend our two leaders. The two leaders conducted these proceedings with dignity and with respect, upholding the highest standards of the Senate. You can't ask for more than that, and I am very proud of both our leaders and others as well.

It has been a privilege for me to serve on this committee. I have tried to do the best I possibly could, and I believe the result today is an honest and just result. I just hope this sends a message to all our judges on the Federal bench, and others as well, that it is important to live up to our responsibilities and to do the things we know we should be doing.

Having said all this, I wish to again thank the staff on this committee. What a tremendous bunch of young people, who did a terrific job and who deserve the bulk of the credit of any credit that is due. I am just grateful to have been able to know them and work

with them and to love them for the work they have done.

This is one of the most important things the Senate can engage in, and I wish to thank our Parliamentarians. Many times people don't realize how important the Parliamentarians are in the Senate. We couldn't function without them. We are very blessed to have the Parliamentarians whom we have helping us in the Senate. They go unrecognized many times but not by me. I have a great deal of admiration for them. They keep us out of a lot of difficulties. Sometimes they get us into some difficulties—because of the rules, not because of them. But I want to pay tribute to them as well.

This was a just result. It is what I think had to be done. The country will be better for it. It does send an appropriate message, or messages, I should say, and I feel blessed to have been able to participate on this committee and on this Senate floor. It is a great honor to serve in the Senate. Days such as this help bring that home to me, and I wanted everybody to know it.

I wish to again thank the distinguished chairwoman and tell her how much I appreciate her work.

With that, I yield the floor.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3991, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 662, S. 3991, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided and controlled between the leaders or their designees.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I allocate to myself such time as I may need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to voice my opposition to S. 3991, the so-called Public Safety Employer-Employee Cooperation Act. I have a number of policy and constitutional concerns about this bill, and I have expressed them over the years, but I have never had the opportunity to work with the bill's supporters to address those concerns. Even though this legislation falls within the HELP Committee's jurisdiction, the committee has never held a hearing on the bill and has only marked it up without amendment or written report—and that was years ago—and this is not the same bill we are considering today.

An objective consideration of this bill reveals it is based on poorly reasoned policy. Over the last 7 years, the proponents of this bill have only brought it directly to the floor and purposefully circumvented the regular order of the Senate and its committee processes, perhaps because the scrutiny of that process would expose the multiple flaws in this legislation. Rather than addressing this bill on its merits, its proponents have decided, once again, to play the sound bite game. Their calculation is simple: Since this bill involves unions that organize among police and firefighters, they will continue to simply claim that anyone who opposes this bill is against police and firefighters.

Let us address that calculated untruth first. There is no one I know of—Republican or Democrat, supporter or opponent of this bill—who does not respect and value the work and dedication of our police, firefighters, first responders, and other public safety professionals. Their contributions to our communities are immeasurable, and our support of them is unwavering. However, this bill provides no direct benefit to any police officer, firefighter or first responder. It doesn't provide a dime in Federal money to any State, city or town to hire, to train or to equip any additional public safety personnel. In fact, it simply imposes costs that will make that result less likely. It is arguably one of the biggest and most dangerous unfunded mandates the Federal Government has ever imposed.

In fact, there are a number of law enforcement groups opposing this bill: the National Sheriffs' Association, the International Association of Chiefs of Police, and the Fraternal Order of Police have all come out against S. 3991. I think we have to ask: If all these law enforcement groups oppose the bill, is it a good idea to pass it in the last days of a lameduck Congress?

Plain and simple, the only direct beneficiaries of this legislation are labor unions. You see, while unionization in the private sector has been on a historical down trend, unionization in the public sector has been increasing. In 2009, 37.4 percent of public sector employees were unionized compared to 7.2 percent in the private sector. Government workers are now five times more likely to belong to a union. For the first time in our country's history, the majority of union members are public sector employees, not private sector employees. Public sector unions have been the only area of growth for unions for many years, and as we all know, organizations need to grow to survive.

Let me now turn for a moment to some of the serious and fundamental problems with this legislation. For over 70 years, a hallmark of our Nation's labor policy has been the principle that employment and labor relations between a State, city or town, and its own employees, should not be a matter of Federal law, but a matter of local law. That bedrock principle is not only rooted in our national labor policy, it is firmly fixed in our Constitution and our traditions of federalism. Yet today the proponents of this bill seek to overturn this hallmark principle and to radically change decades of unbroken Federal law and policy. The enormity of this change is only matched by the prospect that it could occur as a result of total disregard for processes of the Senate and the complete absence of any meaningful opportunity for modification.

You would think the Senate would consider such a bill only after careful examination and due deliberation. Sadly, you would be wrong. This legislation has not had a Senate Committee hearing or markup this Congress or the two Congresses before this one. The HELP Committee has never held a hearing on this bill. The bill grants enormous power over States to a virtually unknown Federal agency. Yet we have never so much as asked a representative sampling of State officials for their views, nor have we ever even been informally asked the Federal agency involved if it feels up to the job we would impose on it. These shortcomings alone show that this bill is being pushed not because it is good policy, but because some see it as expedient politics.

This bill would require that every State, city and town with more than 5,000 residents open its police, firefighters and first responders to unionization. It would impose this Federal mandate not in the absence of any State consideration of this issue, but in direct opposition to the legislative will of several States. Proponents of this legislation have attempted to maintain the fiction that it actually does little to disturb State laws. That is simply not the case.

This bill would expressly overturn the law in 22 States. In fact, 16 States have specifically considered and rejected legislative proposals similar to the law that would be federally imposed under this bill in recent years. Some States, such as Wyoming, have chosen to either extend collective bargaining in a more limited manner than the bill before us would mandate, or not to extend it at all.

In this second chart, proponents of this bill have told Senators from States that do have ''full'' public sector collective-bargaining laws that this bill would not change anything in their respective home States. However, labor experts have identified at least 12 of those States where the viability of one or more provisions of their own current State law would be in question if this bill were enacted. That is the yellow States. Supporters of the bill base their argument on a provision which allows the Federal Board that will be ruling over all these States to ignore instances where the State law is not as broad as the Federal mandate if ''both parties'' agree that it is sufficient. Make no mistake, this provision is completely hollow.

First, there are hundreds of thousands of ''parties'' that will have the authority to agree or disagree about

the sufficiency of a State's law. Every public safety officer and his or her employer will have this authority. The term ''public safety officer'' is so broadly defined in this bill that many employee groups that may surprise you meet the definition, such as paramedics, lifeguards, security guards and more. What are the odds of all of these groups agreeing to look the other way? Further, anyone who has ever been a party to negotiation knows about leverage. The ability to place one phone call and have an entire State's law on a subject overturned and taken over by the Federal Government is some of the most powerful leverage I have ever heard of.

Let's be completely clear about what this legislation would do. A vote for this bill is a vote to overturn the law and the democratic will of the citizens of many of our States, and to invalidate the democratic action of their voters and legislators. This is very important. That is why mayors of major U.S. cities that already provide collective bargaining rights also oppose the bill. New York City Mayor Bloomberg, along with the mayors of Boston, Cleveland, Denver, Minneapolis, San Diego, Philadelphia and Mesa, AZ, all wrote to the Senate yesterday asking us not to enact this poorly thought out bill. And it is not just the chief executives objecting. Major newspapers across the country such as the Denver Post, the Richmond-Times Dispatch and the Washington Post have editorialized against this proposal. I ask unanimous consent that these materials be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ENZI. I formerly served as the mayor of Gillette, WY, a city of 20,000 people. As I look around this Chamber there are too few here that have any experience with trying to balance a budget for a city or town, which may explain why this unfunded mandate proposal is being brought up with so little attention given to how it will increase the dire financial situation of States and municipalities.

A recent report by the National League of Cities found that municipalities will face a shortfall between $56 billion and $83 billion from 2010 to 2012. Headlines across the country confirm that city leaders are responding to deficits with layoffs, furloughs, payroll deductions and cutting city services, all of which will impact police, fire and emergency services departments. This week it was Camden, NJ, laying off 383 employees, including 67 firefighters and up to 180 police officers.

Another survey found 87 percent of city finance officers said that they were less able to meet the city's fiscal needs in 2010, than a year before. The outlook for States is just as dire, especially considering that Federal stimulus dollars, which many States have used to partially fund budget gaps, will run out after 2012. States will face an estimated $300 billion budget shortfall for 2011 and 2012. And the extent to which States and municipalities are facing underfunded public employee pensions is truly staggering. A PEW Center on the States report out this year pegs it at a $1 trillion gap.

During this downturn cities across America are struggling to maintain solvency. Unlike the Federal Government, they cannot print money—they have to actually balance their budgets. Here is the reality. Without regard to pay or benefits, just the administrative costs alone of collective bargaining represent a very significant line item that Congress now proposes to force on States, cities and towns. Towns, particularly small towns, that currently do not have the resources to negotiate and administer multiple collective-bargaining agreements would have to now hire and pay for these additional services. Towns and cities that do not devote the long hours of municipal time to the complicated process of bargaining, and overseeing multiple union contracts, and to administering contract provisions and resolving disputes under a collective-bargaining system will be required to spend that time. Nobody should be fooled. Those additional, manpower and man-hour requirements are enormously costly and burdensome. This bill would impose those costs by Federal mandate, but would not provide a single penny of Federal money to help offset those costs.

As a former mayor, and as the only accountant here in the Senate, I would remind my colleagues about the cold realities of municipal finance. If you increase municipal costs you have only two ways to meet those additional costs—either increase revenues, or decrease services. This bill will unquestionably place many municipalities in the difficult position of choosing between raising State and local taxes, or decreasing and eliminating local municipal services.

Mere consideration of this bill today reveals that many in this body remain sadly out of touch with the real needs of our constituents and the real fiscal problems that their cities and towns face every day. With stagnant or declining property values and an endless parade of increasing fixed costs, don't our cities and towns already have enough on their plate without the Federal Government imposing more new costs through this mandate?

Since the legislation before us has not gone through committee process, I have a number of amendments I will have to offer here on the floor. I always like having this type of legislation go through the committee, so we can discuss the bill and amendments in a smaller group. I always like doing it in committee. It is a smaller group, more understanding of what the different issues are. It also gives you the chance to kind of grow an idea, to get the germ of an idea and grow it between several people who are interested. That doesn't happen on the floor, it is all up or down. But I will have a number of amendments I will have to offer. These amendments are directed toward protecting the fiscal health of our communities that fall under this mandate, ensuring the integrity of public safety and service organizations, and preventing union abuse of public sector employees, among other issues.

But these problems represent only the tip of the iceberg. If this body decides to take this issue up today and spend the next week debating it, you will hear more detail on my concerns and those that will be raised by other Senators opposed to this proposal who have also never had any chance in the process for amendments.

I urge my colleagues to oppose the motion on the Public Safety Employer-Employee Cooperation Act, S. 3991.

EXHIBIT 1

DECEMBER 7, 2010.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: As mayors of cities who oversee large public safety agencies and who collectively bargain with our public safety unions, we are concerned about the lack of examination of the Public Safety Employer-Employee Cooperation Act of 2010 (PSEECA). We believe that this bill, like other versions in previous years, could have a profound impact on public sector collective bargaining negotiations and on state and local taxpayers throughout the country, yet there have been no Senate committee hearings on PSEECA since its first introduction in 2001. The uncertainty caused by the PSEECA will certainly lead to litigation at a time when our cities can least afford such expenses.

More broadly, the entire collective bargaining structure under which law enforcement and emergency response personnel operate in our cities could be placed in jeopardy. For example, in New York City, the decision to discipline a police officer involved in a shooting incident, or to determine the circumstances in which drug testing must be performed, resides with the Police Commissioner and is not subject to the bargaining process; this ensures full accountability of the head of the police force to the public. It is of grave concern to all of our cities that important local decisions such as these would be lost as a result of an improper federal finding.

PSEECA also undermines settled law in jurisdictions that have negotiated with unions for decades. In cities like Cleveland and Minneapolis, where there is a strong history of public employee collective bargaining, this legislation runs counter to long established principles of local control over the operations of municipal government. PSEECA risks too much for our cities and adds legal and fiscal strain during especially difficult economic times. In light of how little has been done to assess the impact of this bill nationwide, we urge you not to proceed with this disappointing and potentially far-reaching maneuver.

Sincerely,

THOMAS M. MENINO,
Mayor, City of Boston.
FRANK G. JACKSON,
Mayor, City of Cleveland.

JOHN W. HICKENLOOPER,
Mayor, City of Denver.
SCOTT SMITH,
Mayor, City of Mesa.
R.T. RYBAK,
Mayor, City of Minneapolis.
MICHAEL R. BLOOMBERG,
Mayor, City of New York.
MICHAEL A. NUTTER,
Mayor, City of Philadelphia.
JERRY SANDERS,
Mayor, City of San Diego.

OPPOSITION ARTICLES RELATED TO PSEECA

''Federal Policies Should Help, Not Hurt, States' Fiscal Health'', The Washington Post—Dec. 7, 2010.

''Trampling Local Labor Laws'', The Denver Post—Dec. 1, 2010.

''Forced Labor'', Richmond Times-Dispatch—Jun. 21, 2010.

''Bad Bargain: Congress Should Let States Handle Their Own Labor Relations'', The Washington Post—Jun. 16, 2010.

''A Tale of Two Counties'', The Washington Post—May 30, 2010.

''League Ask State Officials To Oppose Bill'', Charleston Daily Mail—July 16, 2010.

''A Sop to Big Labor'', Las Vegas Review-Journal—May 30, 2010.

''Another Union Sop: Pubic Safety Canard'', Pittsburgh Tribune Review—Jul. 9, 2010.

''Budget Busting Union Bill'', The Post and Courier—Jun. 21, 2010.

''Safety Union Push Intrudes Too Far'', The Virginian-Pilot—Jun. 19, 2010.

Mr. ENZI. I yield the floor and reserve the remainder of my time.

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. SCHUMER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from New York.

9/11 HEALTH AND COMPENSATION ACT

Mr. SCHUMER. Mr. President, I rise today in strong support of the 9/11 Health and Compensation Act. Yesterday we observed Pearl Harbor Day, marking the 69th anniversary of that tragic attack on American soil. Nine years ago our Nation was attacked once again. September 11, 2001, was a day of indescribable horror, not only for New York, a city I am proud to call home, but for the entire Nation.

In the minutes, hours, and days after the Twin Towers collapsed, thousands of first responders rushed to lower Manhattan to dig through the rubble. First they searched for survivors. We all remember the horrible—this is vivid in my mind, the signs people holding: Have you seen this person? It is my husband, my wife, my child, my parent. Because no one knew where everyone was amidst the rubble. We thought—unfortunately we were disappointed, deeply—that there were survivors amidst the rubble and time was of the essence to find them.

Then, in days later, when we realized that there weren't many survivors, there was still a great need to, sadly, search for the bodies of those who perished. You can imagine the anguish of families, who wanted a sign, something—remains of their loved ones—and that search continued. Valiant men and women, not just from New York or New Jersey or Connecticut but from Minnesota and Colorado and all around the country, came—firefighters, first responders, police officers, ordinary citizens—to help us in our horrible hour of need—a moment, a day, a week, a month that I will never forget.

I still look out my window in my home in Brooklyn, every day when I am home, and know that those two Twin Towers are no longer there and I think of the people I knew who were lost, a guy I played basketball with in high school, a businessman who helped me on the way up, a firefighter who dedicated his life to my neighborhood in Brooklyn where I was raised, getting people to donate blood.

We think of all these people. They were resolute, they were brave, they were selfless—those who were lost and then those who came to the rubble. Construction workers. They didn't ask if they were going to get paid. They didn't ask what the danger was to them. They were brave, they were resolute, they were selfless as were firefighters, policemen, EMTs, and others.

Amid the chaos and carnage, they said to themselves: This is what I am trained for, and I will do whatever it takes to help, even if it means risking my life.

So the dust has settled and the ruins of the World Trade Center have been cleared away. The effects of the attack are still being felt, now more than ever, by thousands of those first responders.

Medical experts have determined that on September 11 and the days after, the air around Ground Zero was filled with microscopic cement and glass particles. This dust has caused thousands of first responders to develop chronic respiratory and gastrointestinal diseases.

Just last week, we lost 9/11 first responder Kevin Czartoryski, a NYPD narcotics detective. He is the third hero to pass away in the past month from the medical complications related to the rescue effort.

Back in 2006, doctors from the Mount Sinai Medical Center that my predecessor, or my former colleague, now Secretary of State, then-Senator Clinton, worked so hard to bring into the picture found that a staggering 70 percent of 9/11 rescue workers suffered from health problems, many of which were irreversible.

The fact is, right now there are people who rushed to those towers who do not know they are ill. The symptoms of these illnesses and diseases, when you get these particles in your lungs and in your gastrointestinal system, the cancers and other illnesses that develop, take years and years before they can be detected. So we know that in the coming years there are going to be more heroes who will become ill, and those who are already suffering may see their conditions worsen.

The 9/11 Health and Compensation Act will finally put these first responders at ease with the knowledge that they will receive treatment for health problems related to rescuing victims of the attack and helping clear the debris from Ground Zero. The bill ensures that those at risk of illness have access to medical monitoring and that all of those who get sick from exposure have a right to consistent treatment. The bill also ensures ongoing data collection and analysis for exposed populations, so we can try to cure or treat in advance people who might become ill.

Critically, the legislation would ensure steady funding for those vital programs so that those in treatment no longer have to wonder whether Congress will appropriate adequate funds to allow their treatment to continue year to year. We have appropriated funds every year. Everyone in this Chamber has voted for those funds. But when it is yearly funds and you need an ongoing medical regime, it is very hard to plan, to buy that machine, to set up a team that would work for 3 or 4 or 5 years under normal circumstances. The heroes who rushed to the towers deserve to be guaranteed proper treatment, not to have their medical needs subject to the whims of what is going on at that month, that time in Washington.

In addition to addressing health needs, the bill would reopen the victims compensation fund, allowing those who missed the arbitrary deadline of December 22, 2003, to seek compensation. This deadline unfairly barred responders who became ill or learned of the fund after the date. You rushed to the tower. As of 2003, you were aware of the fund, but you did not apply. You did not have anything wrong with you. Six months later, you get cancer of the lungs or cancer of the esophagus or stomach, which we found so many getting. Why unfairly prevent them?

So this bill is an opportunity to send a clear message to the thousands of first responders who risked their lives on that fateful day 9 years ago. We say to them: In our Nation's time of need, you gave us your all. Now, in your time of need, we will give you our all.

Let's not forget, on both sides of the aisle, we have struggled mightily to help our veterans from the wars in Iraq and Afghanistan. In 2001 and 2002, we saw that veterans health care was not up to snuff. There was a bipartisan effort to bring it up to snuff, to make the health care adequate for the new needs of the veterans who risked their lives for us in Iraq and Afghanistan. Why? Because this Nation has a tradition: When you volunteer—as our soldiers do today—and risk your life to protect our

freedom, particularly at a time of war, we will be there for you and deal with your medical problems that were caused in that conflict.

I would argue to every one of my colleagues here today, those who rushed to the towers in those fateful hours and days after 9/11 are no different from our veterans whom we exalt. It was a time of war. Our Nation was attacked. They volunteered. No one compelled them to do it. They rushed to danger as our veterans do. So when they are injured, which has happened, they should be treated the same as our veterans. This is nothing we should play politics with, just as we do not play politics with veterans' needs.

I want to make sure everybody hears us. I know there are other legislative concerns, whether it is tax bills or funding bills or whatever. I would say to my colleagues on the other side of the aisle, it is not fair and it is not right to say that we will not remember these people who volunteered and risked their lives to protect our freedom in a time of war; we will not help them until X or Y or Z gets done. It is not fair. It is not right.

It is also time for those who are against the bill to stop spreading lies about it. They say it is vulnerable to fraud. It has been very tight. My good colleague, the Senator from New York, Mrs. GILLIBRAND, has documented thoroughly and completely how the existing compensation has not created any fraud or other types of problems.

We are here. We have debated this bill for years. It has been like running a marathon, and this is the last 100 yards. Thousands of first responders, police officers, firefighters, construction workers, and other heroes who were ordinary citizens from each of the 50 States are waiting for us to act. And for all too many of them, help cannot come soon enough. The finish line is in view. Let us, on both sides of the aisle, cross it together. I implore my colleagues to vote in favor of the 9/11 Health and Compensation Act.

Before I sit down, I wish to praise my colleague who has led the fight, Senator GILLIBRAND from New York. She has made it her passion. She works for it hours every day and has done an amazing job. I also thank our colleagues on this legislation, particularly my colleagues from across the river, Senators LAUTENBERG and MENENDEZ, who have been our partners. I thank PETER KING, CAROLYN MALONEY, and JERROLD NADLER in the House for their work and many others in New York and other delegations. Again, I hope those efforts will not go in vain, not because of the people who worked on the bill like we did but because of the people who need our help, those who have all kinds of illnesses because they volunteered to help our great Nation and preserve its freedom in a time of war.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Colorado.

DREAM ACT

Mr. BENNET. Mr. President, I would like to thank the senior Senator from New York for all of his efforts over many years to make sure first responders from 9/11 receive the settlements they deserve.

I rise today to speak in strong support of the DREAM Act. The DREAM Act will enable some of the best and brightest young people who have graduated from our schools to serve in the Armed Forces and to excel in college and their careers. The DREAM Act actually raises revenue to reduce our deficit. It is for these reasons that the DREAM Act has a history of bipartisan support and why I urge my colleagues to support this bill today, both Republicans and Democrats.

I have been a strong supporter of comprehensive immigration reform that will secure the border, reform our broken family and employment visa systems, address employers who willfully break the law, and require the undocumented to register and become legal, pay a fine, pay their taxes, learn English, and pass criminal background checks.

Unfortunately, Washington has been unable to get comprehensive immigration reform done, even as our immigration system becomes more and more broken. As a result, we need to look at smaller measures to make sure we are addressing the immigration issues that cannot wait. For instance, recently the Senate approved $600 million to send 1,500 new Border Patrol agents, additional unmanned aerial drones, and communications equipment to our southwest border in order to stem the flow of undocumented immigration and prevent the further smuggling of weapons and money. This is an effort I supported.

The DREAM Act is another step toward improving the overall system. It is a program targeted to a relatively small, defined, select group of immigrants who are currently in this country with few options through no fault of their own. These are students and graduates of our schools who did not choose to come here but have succeeded and begun to contribute to our country.

This debate is about whether a child who has excelled in the classroom has the opportunity to attend college and later contribute to society as a taxpaying citizen. This debate is also about whether a child whose only home is our country can have the opportunity to serve America in our Armed Forces. It is about whether it makes good fiscal sense to have our government invest in the education of these young people and generate what the Congressional Budget Office estimates to be $1.4 billion in savings through new revenues to be generated when these kids enter our workforce armed with an education or valuable military experience.

Each year, roughly 65,000 U.S. school students who would qualify for the DREAM Act benefit graduate from high school. These include honor roll students, star athletes, talented artists, homecoming queens, aspiring teachers, doctors, and U.S. solders. As a former superintendent of the Denver public schools, I saw firsthand the achievement and potential for these young people, students such as Kevin, who wrote my office this fall to tell his story.

Kevin graduated from high school in Colorado with a 3.9 grade point average and has always dreamed of becoming an engineer. He graduated from the University of Denver with a 3.5 grade point average, and a bachelor of science in electrical engineering with a specialization in control and robotics and a minor in math. Unfortunately, because of his status and despite the fact that our country is in desperate need of engineers, Kevin cannot pursue his dream of becoming an engineer and is now working at a fast food restaurant. This is just one example of our failed politics, where Washington settles for rhetoric over common sense.

According to Defense Secretary Robert Gates, about 35,000 noncitizens serve and 8,000 permanent resident aliens enlist in our military every year. In a letter to Senator DURBIN this past September, the Defense Secretary wrote that the DREAM Act represents an opportunity to expand this pool to the advantage of military recruiting and readiness.

Passing the DREAM Act will provide the opportunity for Fanny, another young woman who reached out to my office, to serve in the military. She came to Denver at the age of 7. When she entered high school, Fanny joined the Air Force ROTC Program, the drill team and the Color Guard. Her dream was to attend the Air Force Academy and serve in the military. Unfortunately, Fanny is barred from service in spite of the fact that this is the only home she knows. Rather than opening the door to service in this time of war, young people like Fanny who want to stand proudly and serve our country are precluded from doing so.

Taxpayers also stand to gain from the DREAM Act. We will receive a significant return on investment through the contribution of these youth to our society and the revenue generated by their newly legalized, tax-paying status. It has been estimated by the CBO that successful DREAM Act applicants will generate $2.4 billion in new tax revenue. This is based on the fact that these youth will be able to transition into higher paying jobs and will be paying their fair share of taxes.

If we are going to get our fiscal house in order, we need to make sure we are getting a full return on our investment and not closing the door on new tax revenues.

I know many of my colleagues may still be undecided on whether to move forward on the bill. Some have supported the DREAM Act in the past, only to move away from it in the face

of heated rhetoric around the issue of immigration. I ask that before any of them make a final decision, they step back and take a fresh look at the facts and the reality facing these youth.

Support for the DREAM Act is not only a matter of conscience for me since it is the right thing to do, it is also a practical solution. Continued delay is an irresponsible waste.

We owe it to the taxpayers who have invested in the education of these youth, the teachers who have fostered their development, and our military who can benefit from these new recruits to move forward on the DREAM Act. I plan to vote yes and strongly urge my colleagues to do the same.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3:30 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 3:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MERKLEY).

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2009—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided and controlled between the two leaders or their designees.

In the absence of anyone seeking recognition, time will be charged equally to both sides.

The Senator from Vermont is recognized.

EMERGENCY SENIOR CITIZENS RELIEF ACT

Mr. SANDERS. Mr. President, later on this afternoon, we are going to be voting on a very simple and straightforward piece of legislation called the Emergency Senior Citizens Relief Act. This legislation is cosponsored by Majority Leader REID, Senators LEAHY, SCHUMER, SHERROD BROWN, WHITEHOUSE, STABENOW, BEGICH, CASEY, GILLIBRAND, LAUTENBERG, and MENENDEZ.

What this legislation would do is, at a time when, for the second consecutive year, seniors and disabled veterans have received no cost-of-living adjustment, or COLA, on their Social Security, this legislation would provide the equivalent of a 2-percent increase by providing them with a one-time $250 check.

In addition to the Senate cosponsors, this legislation is supported by President Obama, and I appreciate that. It is also supported, for all the right reasons, by virtually every senior organization in the country and every veterans organization, because this benefits not just seniors, many of whom are struggling hard to pay their bills, when their health care costs and prescription drug costs are rising, but it also impacts disabled veterans.

Also supporting this is AARP, the largest senior organization in America; the American Legion, the largest veterans organization in America; VFW; National Committee to Preserve Social Security and Medicare; Disabled American Veterans; The Alliance for Retired Americans; The National Association of Retired Federal Employees; The Vietnam Veterans of America; and many other veterans and senior organizations.

Just this morning, earlier today, 253 members of the House, including 26 Republicans, voted to provide the same $250 COLA included in the bill that we are going to be voting on within a short time. So it won overwhelmingly in the House. In the House, they put it on the suspension calendar and it needed a two-thirds vote, but they didn't quite get that. I am confident that if we can come together here and get the 60 votes that we need, the House will reconsider the measure and pass it with a strong majority over there.

In the state of Vermont—and I think all over this country—seniors are wondering as to why they are not getting a COLA this year when they are experiencing significant increases in their expenses. And the reason they are not getting their COLA is that, in my view, we have a very flawed methodology in terms of how we determine COLAs for Social Security. What the Department of Labor now does is kind of combine all of the purchasing needs of all Americans—people who are 2 years old, kids who are 16 years old, and people who are 96 years of age. The flaw there is that while laptop computers, and iPads, and other communications technology may in fact have gone down, lowering the cost of inflation, the needs of seniors and what they spend money on have not gone down.

Most seniors spend their disposable income on health-related costs—visits to doctors, health care, prescription drugs. Those have in fact gone up. So it is unfair for seniors when all of the Americans' purchasing habits are combined, because I think what is not fairly appreciated is what they are spending money on.

To give you one example, the New York Times reported last year that 2009 marked the highest annual rate of inflation for drug prices since 1992, with the prices of brandname prescription drugs going up by about 9 percent. Seniors spend a lot of money, not on flat-screen TVs or iPads or computers but in fact on prescription drugs.

According to the AARP's Public Policy Institute, the average price of brandname prescriptions most widely used by Medicare beneficiaries rose by 8.3 percent from March 2009 to March of 2010.

Since 2000, Medicare Part B premiums have more than doubled, and deductibles have increased by 55 percent.

Seniors enrolled in Medicare Part D prescription drug plans have seen their premiums increase by 50 percent between 2006 and 2010, including an 11-percent increase between 2009 and 2010.

In other words, the seniors who are calling my office, and I suspect your offices, and offices all over this country, are saying: Excuse me, our expenses are going up and we need some help.

This is especially true for the millions of seniors and disabled veterans who are living on limited incomes. They are in trouble. Furthermore, what I would say is that, in the midst of this great debate we are having now on how we go forward in terms of taxes, there are a lot of seniors out there wondering how we can provide hundreds of billions of dollars in tax breaks for the top 2 percent, yet we cannot provide a $250 check to a disabled veteran or a senior on Social Security.

This is a very simple piece of legislation. The House has already passed it with a strong majority. I hope very much we can pass it this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. How much time do we have?

The PRESIDING OFFICER. Five and one-half minutes.

Mr. HARKIN. Mr. President, I yield myself the remainder of the time. I see no Republicans on the floor now.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, our first responders are genuine heroes. On a routine basis, they walk into burning buildings, confront criminals, and put their lives on the line to protect our families and communities. These dedicated workers are on the front lines every day, and they have invaluable skills and knowledge about how to best protect the public and stay safe on the job.

Unfortunately, under current law, many of our first responders have no voice in the decisions that affect their own lives and livelihoods. Their workplace input is disregarded because they are denied the same basic rights that other American workers enjoy. Currently, private sector employees are covered by the National Labor Relations Act and have the right to form a union if they choose, but we leave it up to States to determine whether police and firefighters have the right to form a union. Over half of the States allow collective bargaining, but almost 300,000 police officers and 141,000 fire fighters nationwide are legally forbidden from exercising their basic, fundamental right to collective bargaining. That is an injustice to our police and firefighters and is inconsistent with American values. That is why I support the Public Safety Employee-Employer Cooperation Act, which would extend this basic right to thousands of brave public servants. This bill has the support of a broad bipartisan coalition of Senators.

The Public Safety Employer-Employee Cooperation Act protects the

fundamental rights of our first responders by requiring States to provide them with four basic protections: The right to form and join a union; the right to sit down at the table and talk; the right to sign an enforceable contract if both parties agree; and the right to go to a neutral third party when there are disputes.

The benefits of this bill go to both our first responders and the communities they serve. We know that collective bargaining helps improve safety for workers. The firefighter fatality rate in States without collective bargaining is about 52 percent higher than in States that honor these rights. Collective bargaining relations have also helped to address worker fatigue, on-the-job errors, employee fitness, and safety hazards like asbestos. Equally important in these times of State fiscal crisis, there are countless examples across the country of union firefighters and police officers voting to forego scheduled salary increases, defer pension payments, pay increased benefit premiums, or reduce overtime hours in order to help States cut costs and avoid layoffs.

While guaranteeing the fundamental right to organize, the act preserves maximum flexibility for States and localities to shape their own laws. The 26 States that already allow collective bargaining will not have to change their laws at all. Other States will have to ensure the four basic protections, but everything else about how to craft their labor laws is left entirely to the States' discretion.

It is long past time to ensure that our dedicated public safety officers have the same basic rights that private-sector workers across the country already enjoy. This is a matter of fundamental fairness, and an urgent matter of public safety. I urge all of my colleagues to support this important bipartisan bill.

Mr. President, earlier today my colleague from Wyoming was on the Senate floor and made some statements about this bill—my ranking member, Senator ENZI. I just want to respond to a couple of those.

My friend from Wyoming said the bill didn't go through the HELP Committee during this Congress, and we weren't given a right to consider the bill in the appropriate venue. Well, Senator GREGG, on the Republican side, has introduced this bill for the last five Congresses. The HELP Committee has marked up this bill and approved it twice, and a majority of the Senate has twice voted to consider the bill. So we have been debating this bill for years. Simply because it didn't go through the committee this time doesn't mean it didn't go through the committee many times before, which it did.

Secondly, the bill does not impose an unfunded mandate on our States. That was mentioned. It does not require cities and States to spend money, only to engage in a dialogue. It does not allow strikes, and it does not impose arbitration or require particular terms. These are indeed left up to the States.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. SESSIONS. I think the Senator is using my time.

The PRESIDING OFFICER. The Senator is still in his own time.

Mr. SESSIONS. All right. I was wrong, I am pleased to say.

I thank the Chair.

Mr. HARKIN. Mr. President, the American people are united in their desire to provide generously for the new generation of veterans, including those who have served in the wars in Iraq and Afghanistan. We want these veterans to have every opportunity to reintegrate successfully into civilian life, to find good jobs, and to build solid careers. To that end, the Federal Government has provided opportunities for these veterans to pursue advancement through higher education. That is why we passed the post-9/11 G.I. bill on June 30, 2008, and it is why we expanded existing education programs through the Department of Defense—DOD.

The Committee on Health, Education, Labor, and Pensions, which I chair, has been conducting an in-depth inquiry into the for-profit sector of higher education. Most recently, we have taken a look at the unprecedented surge of dollars from military educational benefits programs to for-profits. I am here today to have printed in the RECORD a new report that committee staff has prepared titled, ''Benefitting Whom? For-Profit Education Companies and the Growth of Military Educational Benefits.'' This report documents that between 2006 and 2010, combined Department of Veterans Affairs and Department of Defense education benefits received just by 20 for-profit education companies increased from $66.6 million to $521.2 million, an increase of 683 percent.

Mr. President, I will have more to say about the report in the upcoming days.

Mr. President, I ask unanimous consent that a report and an appendix be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Post-9/11 Veterans Educational Assistance Act: Enacted in June 2008, the Post-9/11 GI Bill has been in effect for only one year. Even a look at this brief window illustrates that students eligible for these benefits are being aggressively pursued by for-profit schools. The 30 for-profit schools that received document requests reported 23,766 students receiving military benefits of any type in 2006, but 109,167 students receiving benefits in 2009, and 100,702 students through approximately just the first half of 2010.

Rapidly Increasing Veterans' Benefits: Of 20 for-profit schools that provided usable data to the HELP Committee, between 2006 and 2010, the combined VA and DoD total military educational benefits increased from $66.6 million to a projected $521.2 million in 2010, an increase of 683 percent. For each year analyzed, growth in revenue from military educational benefits was much higher than overall revenue growth, and the growth accelerated dramatically after the Post-9/11 GI Bill was enacted. Between fiscal year 2006 and 2007, overall revenue increased 8.4 percent while military educational benefit related revenue increased 23.8 percent. Between 2009 and 2010, while overall revenue increased a healthy 26.1 percent, military revenue increased 211 percent. DoD programs are also increasing rapidly.

Eighteen companies that provided documents to the HELP Committee differentiated revenues from the Department of Veterans Affairs and the Department of Defense for the entire period 2006 through 2010. In that period, Department of Defense educational benefits paid to these schools increased from $40 million in 2006 to an expected $175.1 million in 2010, a 337.4 percent increase. Department of Veterans Affairs educational benefits paid to these schools increased more than tenfold from $26.3 million in 2006 to an expected $285.8 million in 2010, including a five-fold increase from $55.3 million to $285.8 million just between 2009 and 2010. Increases in both programs occur across schools and are not dependent on the size of the school or whether it offers classroom-based programs or operates primarily online. For one primarily online school, DoD revenues increased more than seven-fold from $220,528 in 2006 to $1.64 million in 2010. For a smaller privately owned school, they increased ten-fold from $7,300 in 2006 to $75,300 in 2010. At a school with a long history of serving active duty servicemembers, DoD revenues increased from $26.44 million in 2006 to an expected $98.14 million in 2010. When looking at VA benefits, a primarily online school specializing in graduate programs saw an increase from $375,108 in 2006 to an expected $12.35 million in 2010. At a smaller privately owned school, VA benefits increased from $321,450 in 2006 to a forecasted $8 million for 2010.

Company 1: To better understand the dramatic impact that changes to the DoD and VA programs have had on the amount of funding flowing to for-profit schools, it is helpful to look at three individual education companies. Company 1 operates a for-profit school that is not publicly traded. It has a strong physical presence near military installations, with a history of enrolling students who are servicemembers or veterans. The school actively recruits servicemembers and veterans, and has military-oriented marketing on its website, noting that it offers classes on, near, and around military installations as well as online. It encourages active-duty servicemembers to utilize the Top-Up program to spend Post-9/11 GI Bill benefits in addition to Tuition Assistance in order to cover tuition. In 2006, the school had 1,338 military students. With the availability of Post-9/11 GI Bill benefits and the overall growth in enrollment, some growth in both the numbers of students attending the schools and the amount of military benefit dollars going to the schools would be expected. In fact, steady growth is evident from 2006 through 2009, with military funding increasing from $3 million in 2006 to $3.4 million in 2009 and the number of eligible students varying from 1,100 to 1,400. However, for 2010 the growth is dramatic, with the school enrolling 5,223 eligible military students and receiving $23 million in military benefits. At the same time, according to the Committee's analysis of all the students enrolling in the school's associate's degree programs between August 1, 2008 and July 31, 2009, 47 percent had dropped out by mid-2010, as had 52 percent of students enrolled in the school's bachelor's degree program. Students who dropped out of these programs within the first year did so in an average of 180 days, during which they would likely have

paid about $6,550 in tuition. The school also has an overall repayment rate of just 33 percent, while one campus has a repayment rate of just 8 percent. Although military students may fare somewhat better than the overall student population in completing the programs, the fact that such a significant portion of military educational benefits are going to a for-profit school with high tuition, in combination with problematic outcomes and poor repayment rates, raises serious questions about whether the school might be shortchanging veterans.

Company 2: A second company, this one publicly traded, similarly saw a significant increase of military benefits in 2009 and 2010. Unfortunately, it is impossible to examine the increase because the company never tracked the amount of military educational benefits received prior to 2009, and has failed to provide a breakdown of how much of the military educational benefits they receive is from the DoD and how much is from VA. Similarly, the company failed to provide the HELP Committee with the number of students receiving military benefits for any year except 2009, when they stated that they enrolled 2,764 students receiving military benefits. This company, which received $1.02 billion in federal financial aid dollars in 2009, generated $488.8 million in profits, and spent $120,000 on lobbying in the first three quarters of 2010, has not produced basic information about company revenues or its student body requested by the HELP Committee. Supplementing the $1.02 billion in revenues from federal financial aid dollars the company received in 2009, it is on pace to receive $101.4 million in federal military educational benefits in 2010, the highest dollar figure of any for-profit school. In the first year of Post-9/11 GI Bill eligibility (August 2009–July 2010), the company's campuses received at least $79.2 million in benefits just from the Post-9/11 program for 6,677 students, at an average cost of $11,855 per student. Like Company 1 discussed above, the overall student outcomes for this particular school were poor. For students entering between summer 2008 and summer 2009, 53.1 percent of associate's degree students and 44.5 percent of bachelor's degree students had dropped out by the summer of 2010, and had dropped out within a median of 90 days, or just under 3 months. The company has a loan repayment rate of 31 percent with two campuses with repayment rates of only 4%, and has 11 campuses with 3-year default rates over 25 percent. Meanwhile, the company's revenues provided a 37.1 percent profit margin for 2009. Again, these figures raise a troubling question: Is this school putting profit ahead of providing our veterans with a quality education that will lead to a good job?

Company 3: A second publicly traded company also helps to illustrate the dramatic and recent nature of the increases in military educational benefits going to for-profit schools, as well as the cost differentials among the schools. Company 3 received Post-9/11 GI Bill benefits for 6,211 students totaling $47.9 million. Company 2 received benefits for a comparable 6,677 students, but received $79.2 million in VA benefits. While Company 3 received an average of $7,710 per student, Company 2 with similar programs and locations, received an average of $11,855 per student! Company 3 provided clear data to the Committee showing that in 2006, the school received benefits from three students under the DoD Tuition Assistance program and 207 students through VA programs, for combined military educational revenues of $2.69 million. These numbers remained relatively level through 2009, with six students receiving DoD Tuition Assistance and 148 receiving VA benefits for a total of $1.44 million in revenues. In 2010, however, the same school enrolled 5,754 veteran students, and received veterans' benefits totaling $57.99 million. Enrollment of active-duty students receiving tuition assistance also soared from six students to 148 students receiving $2.43 million in benefits, a significant one year increase on its own. However, for students entering in 2008–2009, 56.4 percent of all bachelor's students and 54.3 percent of all associate's students had left Company 3's schools within one year of enrolling, with the median student staying 112 days or just under four months. The repayment rate for the company's student body as a whole is 35 percent. Looking at individual schools' rapid acceleration in revenues from both VA and DoD military educational benefits makes clear that there is a concerted effort to attract students eligible for military benefits to the schools. It demonstrates that the increase in funds going to the schools has occurred very quickly and is likely to continue and possibly to escalate in the absence of increased oversight by Congress or the relevant agencies. Given the troubling short-term outcomes of many of the for-profit schools examined by the Committee, and the unknown, but potentially troubling prospects for students completing these programs, very serious questions exist as to whether our servicemembers and veterans are receiving the education intended by Congress.

With high tuition rates, and with half, or close to half of the general student population dropping out in the first year, it is incumbent on the Congress and the agencies to do more to ensure that the servicemembers and veterans attending for-profit schools are in fact getting the promised educational benefits in exchange for this significant federal investment.

MILITARY EDUCATIONAL BENEFITS RECEIVED BY 30 FOR-PROFIT EDUCATION COMPANIES

Company	Fiscal year	Department of Defense education benefits	Department of Veterans Affairs education benefits	Total military education benefits
Alta Colleges, Inc.	2006	$0.00	$0.00	$0.00
	2007	$0.00	$0.00	$0.00
	2008	$0.00	$0.00	$0.00
	2009	$0.00	$0.00	$0.00
	2010	$0.00	$12,794,916.35	$12,794,916.35
	2010 Projected	*$0.00*	*$15,353,899.62*	*$15,353,899.62*
American Career College	2006	$0.00	$1,930.00	$1,930.00
	2007	$0.00	$0.00	$0.00
	2008	$0.00	$0.00	$0.00
	2009	$0.00	$186,117.42	$186,117.42
	2010	$0.00	$662,251.00	$662,251.00
	2010 Projected	*$0.00*	*$1,135,287.43*	*$1,135,287.43*
American Public Education, Inc.	2006	$26,438,624.99	$2,241,622.12	$28,680,247.11
	2007	$42,666,884.40	$3,293,956.56	$45,960,840.96
	2008	$65,338,857.08	$4,807,090.49	$70,145,947.58
	2009	$85,377,635.60	$7,194,847.69	$92,572,483.29
	2010	$49,070,768.25	$7,070,234.33	$56,141,002.58
	2010 Projected	*$98,141,536.50*	*$14,140,468.66*	*$112,282,005.16*
Anthem Education Group	2006	$0.00	$27,500.21	$27,500.21
	2007	$0.00	$26,272.65	$26,272.65
	2008	$0.00	$22,908.17	$22,908.17
	2009	$0.00	$0.00	$0.00
	2010	$0.00	$588,476.04	$588,476.04
Apollo Group, Inc.	2006	$34,429,054.89	$4,305,292.85	$38,734,347.74
	2007	$34,600,039.42	$5,309,996.10	$39,910,035.52
	2008	$32,581,190.54	$6,782,860.27	$39,364,050.81
	2009	$39,123,465.11	$10,462,349.95	$49,585,815.06
	2010		NO DATA PROVIDED	
Bridgepoint Education, Inc.*	2006	$0.00	$12,366.45	$12,366.45
	2007	$0.00	$30,229.09	$30,229.09
	2008	$640,590.82	$91,495.61	$732,086.43
	2009	$1,926,211.44	$2,225,403.61	$4,151,615.05
	2010	$20,593,019.48	$6,139,962.76	$26,732,982.24
	2010 Projected	*$41,186,038.96*	*$12,279,925.52*	*$53,465,964.48*
Capella Education Co.	2006	$56,335.00	$375,108.11	$431,443.11
	2007	$58,459.40	$318,253.00	$376,712.40
	2008	$161,197.00	$381,233.53	$542,430.53
	2009	$304,482.05	$2,484,172.59	$2,788,654.64
	2010	$174,333.49	$6,173,139.32	$6,347,472.81
	2010 Projected	*$348,666.98*	*$12,346,278.64*	*$12,694,945.62*
Career Education Corp.	2006	$7,913,267.48	$15,964,584.60	$23,877,852.08
	2007	$7,532,830.67	$13,917,067.94	$21,449,898.61
	2008	$7,190,440.67	$15,474,386.19	$22,664,826.86
	2009	$10,589,096.30	$27,954,755.10	$38,543,851.40

MILITARY EDUCATIONAL BENEFITS RECEIVED BY 30 FOR-PROFIT EDUCATION COMPANIES—Continued

Company	Fiscal year	Department of Defense education benefits	Department of Veterans Affairs education benefits	Total military education benefits
	2010	$6,710,145.55	$39,433,890.52	$46,144,036.07
	2010 Projected	*$13,420,291.10*	*$78,867,781.04*	*$92,288,072.14*
Chancellor University	2006		DID NOT EXIST	
	2007		DID NOT EXIST	
	2008		DID NOT EXIST	
	2009	$0.00	$0.00	$0.00
	2010	$0.00	$0.00	$0.00
Concorde Career Colleges, Inc.*	2006	$21,137.33	$97,271.44	$118,408.77
	2007	$17,973.80	$176,478.65	$194,452.45
	2008	$86,697.86	$244,802.49	$331,500.35
	2009	$185,118.31	$1,002,726.23	$1,187,844.54
	2010	$357,937.20	$1,697,880.32	$2,055,817.52
	2010 Projected	*$715,874.40*	*$3,395,760.64*	*$4,111,635.04*
Corinthian Colleges, Inc.	2006	NO BREAKOUT PROVIDED		$39,388.00
	2007	NO BREAKOUT PROVIDED		$31,133.00
	2008	NO BREAKOUT PROVIDED		$64,761.56
	2009	NO BREAKOUT PROVIDED		−$4,927.56
	2010	$485,045.00	$15,277,378.79	$15,762,423.79
DeVry, Inc.	2006	$21,648.55	$2,667,497.87	$2,689,146.42
	2007	$42,539.74	$2,161,221.01	$2,203,760.75
	2008	$27,035.46	$2,119,896.25	$2,146,931.71
	2009	$59,402.67	$1,383,042.43	$1,442,445.10
	2010	$2,428,761.15	$55,557,510.47	$57,986,271.62
Drake College of Business	2006	$0.00	$0.00	$0.00
	2007	$0.00	$0.00	$0.00
	2008	$0.00	$0.00	$0.00
	2009	$0.00	$0.00	$0.00
	2010	$0.00	$0.00	$0.00
ECPI Colleges, Inc.	2006	$1,730,565.36	$1,250,382.30	$2,980,947.66
	2007	$2,103,251.46	$1,511,269.18	$3,614,520.64
	2008	$1,092,668.22	$1,243,855.32	$2,336,523.54
	2009	$1,641,698.50	$1,793,502.79	$3,435,201.29
	2010	$3,258,238.06	$19,850,057.30	$23,108,295.36
Education America, Inc.	2006	$0.00	$59,859.38	$59,859.38
	2007	$0.00	$113,752.59	$113,752.59
	2008	$44,524.00	$56,082.21	$100,606.21
	2009	$18,183.74	$22,690.19	$40,873.93
	2010	$340,611.65	$2,562,636.10	$2,903,247.75
Education Management Corp.	2006	NO BREAKOUT PROVIDED		$217,571.77
	2007	NO BREAKOUT PROVIDED		$394,176.02
	2008	NO BREAKOUT PROVIDED		$676,842.99
	2009	NO BREAKOUT PROVIDED		$2,039,710.81
	2010	NO BREAKOUT PROVIDED		$52,469,077.71
Grand Canyon Education, Inc.	2006	$220,528.58	$0.00	$220,528.58
	2007	$470,346.33	$0.00	$470,346.33
	2008	$738,209.25	$0.00	$738,209.25
	2009	$1,637,330.33	$0.00	$1,637,330.33
	2010		NO DATA PROVIDED	
Henley-Putnam University	2006	$0.00	$0.00	$0.00
	2007	$21,279.00	$54,573.00	$75,852.00
	2008	$172,581.00	$347,384.00	$519,965.00
	2009	$295,592.00	$853,003.00	$1,148,595.00
	2010		NO DATA PROVIDED	
Herzing Educational System	2006	$7,320.00	$0.00	$7,320.00
	2007	$0.00	$0.00	$0.00
	2008	$2,750.00	$268,649.33	$271,399.33
	2009	$32,676.00	$772,004.18	$804,680.18
	2010	$46,000.00	$871,401.97	$917,401.97
	2010 Projected	*$75,306.96*	*$1,426,578.94*	*$1,501,885.90*
ITT Educational Services, Inc.	2006	$0.00	$0.00	$0.00
	2007	$0.00	$0.00	$0.00
	2008	$0.00	$0.00	$0.00
	2009	$0.00	$20,852,677.99	$20,852,677.99
	2010	$0.00	$50,696,494.57	$50,696,494.57
	2010 Projected	*$0.00*	*$101,392,989.14*	*$101,392,989.14*
Kaplan Higher Education (Owned by Washington Post Co.)	2006	$2,089,589.51	$498,798.23	$2,588,387.74
	2007	$2,369,904.04	$425,830.28	$2,795,734.32
	2008	$2,418,545.39	$404,151.80	$2,822,697.19
	2009	$5,972,872.54	$4,402,022.45	$10,374,894.99
	2010	$6,331,145.68	$18,124,289.68	$24,455,435.36
	2010 Projected	*$12,662,291.36*	*$36,248,579.36*	*$48,910,870.72*
Keiser University	2006	$111,165.68	$321,450.19	$432,615.87
	2007	$86,536.96	$518,763.27	$605,300.23
	2008	$37,662.86	$803,384.53	$841,047.39
	2009	$105,582.62	$2,055,617.94	$2,161,200.56
	2010	$241,513.31	$4,000,701.62	$4,242,214.93
	2010 Projected	*$483,026.62*	*$8,001,403.24*	*$8,484,429.86*
Laureate Education, Inc.+	2006		NO DATA PROVIDED	
	2007		NO DATA PROVIDED	
	2008		NO DATA PROVIDED	
	2009		NO DATA PROVIDED	
	2010		NO DATA PROVIDED	
Lincoln Educational Services Co.	2006	$32,459.33	$228,605.96	$261,065.29
	2007	$76,337.52	$373,731.31	$450,068.83
	2008	$70,674.03	$348,491.30	$419,165.33
	2009	$178,680.11	$1,692,342.53	$1,871,022.64
	2010	$150,709.45	$4,308,982.78	$4,459,692.23
	2010 Projected	*$301,418.90*	*$8,617,965.56*	*$8,919,384.46*
National American University Holdings, Inc.	2006	$1,509,102.41	$137,834.34	$1,646,936.75
	2007	$1,657,352.56	$52,521.02	$1,709,873.58
	2008	$1,574,078.54	$55,651.56	$1,629,730.10
	2009	$1,682,427.90	$69,326.60	$1,751,754.50
	2010	$1,586,327.84	$1,159,039.09	$2,745,366.93

MILITARY EDUCATIONAL BENEFITS RECEIVED BY 30 FOR-PROFIT EDUCATION COMPANIES—Continued

Company	Fiscal year	Department of Defense education benefits	Department of Veterans Affairs education benefits	Total military education benefits
Rasmussen, Inc.	2006	NO BREAKOUT PROVIDED		$132,175.72
	2007	NO BREAKOUT PROVIDED		$166,960.14
	2008	NO BREAKOUT PROVIDED		$234,823.43
	2009	NO BREAKOUT PROVIDED		$444,169.05
	2010	NO BREAKOUT PROVIDED		$4,004,291.44
	2010 Projected	NO BREAKOUT PROVIDED		*$5,339,055.25*
Strayer Education, Inc.+	2006	$2,962,040.38	NO DATA PROVIDED	$2,962,040.38
	2007	$3,741,602.49	NO DATA PROVIDED	$3,741,602.49
	2008	$4,516,986.99	NO DATA PROVIDED	$4,516,986.99
	2009	$5,347,676.78	$5,385,138.68	$10,732,815.46
	2010	$3,335,773.12	$16,999,607.55	$20,335,380.67
	2010 Projected	*$6,671,546.24*	*$33,999,215.10*	*$40,670,761.34*
TUI University	2006		DID NOT EXIST	
	2007		DID NOT EXIST	
	2008	$16,609,992.55	$3,234,619.17	$19,844,611.72
	2009	$33,227,991.92	$5,868,491.67	$39,096,483.59
	2010	$38,595,867.15	$7,155,399.56	$45,751,266.72
Universal Technical Institute, Inc.	2006	$100,315.40	$1,492,759.54	$1,593,074.94
	2007	$160,044.19	$1,390,395.57	$1,550,439.76
	2008	$206,405.79	$1,403,107.49	$1,609,513.28
	2009	$209,842.94	$2,091,255.61	$2,301,098.55
	2010	$126,534.10	$10,701,869.77	$10,828,403.87
	2010 Projected	*$151,840.92*	*$12,842,243.72*	*$12,994,084.64*
Vatterott Educational Centers, Inc.*	2006	$0.00	$801,274.13	$801,274.13
	2007	$0.00	$733,508.98	$733,508.98
	2008	$0.00	$720,618.66	$720,618.66
	2009	$0.00	$1,468,029.08	$1,468,029.08
	2010	$0.00	$1,934,796.33	$1,934,796.33
	2010 Projected	*$0.00*	*$3,869,592.66*	*$3,869,592.66*

*Includes VA vocational rehabilitation funds.
+ Data combined with student cash payments.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

DREAM ACT

Mr. SESSIONS. Mr. President, I wish to share a few thoughts about the legislation that I understand we will be voting on—at least voting on cloture—later this afternoon, and that is the DREAM Act. One of the major themes of the recent election was an idea revolving around an idea set forth in the Declaration of Independence—the idea that is a bedrock principle of our country—and that is the government derives its just powers from the consent of the governed.

Many Americans have believed for some time now that Washington has become disconnected from the people it serves. Indeed, a recent poll found that only one in five Americans believes the government is operating with the consent of the governed.

Now, on the heels of a historic midterm election, the Democratic leadership in this lameduck session is, I believe, further eroding those bonds of trust by refusing to listen and moving an amnesty bill that violates a clear American view that border security should be first. The American people are correct in that. It is not negative, mean-spirited. The American people understand, and I think Congress is coming to understand also, that ending the lawlessness at our borders is the first thing that must be done, and at some point after that we can then wrestle with what to do about people here illegally or else we are surrendering to lawlessness.

So our Democratic leaders have introduced now four versions of the DREAM Act in just the last 2 months—three in the last 2 or 3 days—a shell game that abuses the process. We have not had hearings on it in 7 years. Meanwhile, the DREAM Act has been proposed as a bill for ambitious youth on a track to graduate from high school or college and join the military. But the truth is far different from that talking point.

In reality, the DREAM Act would grant nearly unrestricted amnesty—a guaranteed path to citizenship—to millions of illegal aliens—adults and youth alike. They do not even need a high school diploma. They certainly do not need a college degree. And they do not need to join the military. In fact, the bill's eligibility provisions are so broad that even repeat criminal offenders would fall within its loose requirements and qualify for this masked amnesty.

The public has pleaded with Congress time and again to secure the border, but those pleas have been ignored by those who have been pushing this bill. Why aren't we seeing calls for that? Americans want us first to enforce the laws we have, but the bill will reward and encourage the violation of American laws. Americans want Congress to end the lawlessness, but this bill would have us surrender to it. It is a give-up type of approach.

Consider the DREAM Act's core features. It is not limited to children first. Illegal aliens as old as 30 or 35, depending on the bill, are eligible on the date of enactment, and they remain eligible to apply at any future age, as the registration window does not close. One does not need a high school diploma, a college degree, or military service. A person here illegally can receive indefinite legal status as long as they have a GED—the alternative to a high school diploma. They can receive that in a foreign language, and they can receive permanent legal status and a guaranteed path to citizenship as long as they then complete 2 years of college or trade school, but their status changes upon application after having a GED.

My faithful staff has just discovered and made a copy of this Google page, and it had 273,000 hits. The title of it is ''Fake Diploma,'' and it has places on here that one could obtain a fake diploma, fake degree, fake diplomas. Or how about another one: fake diplomas, fake degrees, fake GEDs, high school diplomas. Buy a GED, high school diploma, college diploma, college transcript, college degrees or high school transcripts at Diploma Company, your online source. It goes on down there: Fake diploma, fake diploma, fast delivery, fake diploma, transcript, birth certificate.

So this is not going to be easy to enforce. I would assure you we have insufficient personnel to go out and run down all these matters.

One version of the DREAM Act offers illegal aliens instate tuition, for which many Americans are not eligible. All four versions that are now pending provide illegal aliens with Federal education benefits, such as work-study programs, Federal student loans, and access to public colleges. These are already funded. We would like to have more money for these loan programs. But it has to be spread out, and the budget is tight. So more illegal aliens would then be rewarded by these programs.

The CBO—the Congressional Budget Office—has said the bill, over time, would add $5 billion to the national debt. But I believe the number is likely to be higher because CBO clearly failed to account for a number of major cost factors with the DREAM Act, including public education costs, chain migration, and fraud. Nor does the CBO take

into account what history has proven—that passing amnesty will incentivize even more illegality and lawlessness at the border.

I wish it weren't so, but experience teaches us that it is. If you are here illegally, and you have a young brother, a nephew, they can get into our country and get into a high school. They can't deny them if they are here illegally. So they can get a degree or GED, and they are put on a guaranteed path to citizenship. At the point that occurs, they can even make application for their family member to be given a priority—the one who was here illegally to begin with, who brought them here. That is the reality under our immigration procedure.

In addition, the CBO assumes a large portion of these individuals will obtain jobs, but there is no job surplus today. Indeed, there is a surplus of labor that can't find employment. So this score does not count unemployed American citizens who can't get jobs because of additional competition. Estimates conservatively say between 1.3 and 2.1 million illegal aliens will be immediately eligible for the DREAM Act's amnesty. But that number will grow significantly, as the bill has no cap or sunset. Moreover, those who do obtain legal status can do the same for their relatives, as I indicated.

Many with criminal records will also be eligible for the DREAM Act's amnesty. They simply must have less than three misdemeanor violations—less than three. Those potentially eligible would include drunk drivers, gang members, even those who have committed certain sexual offenses. Many of those are misdemeanors. And the most recent version of the bill also gives the Secretary of Homeland Security broad authority to wave ineligibility for even the most severe criminal offenders and those who pose even a threat to national security.

Mr. President, I was a Federal prosecutor and State attorney general. I know for a fact that every day, for a host of reasons—maybe a witness didn't show up, maybe the caseload is overwhelming—prosecutors allow people to plead to misdemeanors when the offense they have actually committed is a felony. So allowing a person to have three misdemeanors is a serious loophole and does not suggest that the criminal activity they have been participating in is insignificant or nonconsequential.

Surprisingly, those who commit document fraud or who lie to immigration authorities are eligible for the amnesty as well. This is particularly troubling as it contains a potential loophole for high-risk individuals to be placed on a pathway to citizenship. One of the warning signs missed prior to 9/11 was the fraudulent visa applications submitted by the 9/11 hijackers.

The DREAM Act even contains a safe harbor provision that would prevent many applicants from being removed as long as their application is pending, even if they have a serious criminal record. This provision would dramatically hinder our Federal authorities and will undoubtedly unleash a torrent of costly litigation.

One of the things that has been happening too much is what we call catch-and-release. People are apprehended and placed in jail and then they are released—illegal aliens—and told to report back to the court for a final disposition of their case. Not surprisingly, over 90 percent—I think 94 percent—don't show up. So when we allow these processes to be delayed significantly, it reduces the ability of the law enforcement officials to be able to process cases, and it allows many to be released on bail, whereupon they abscond and do not return.

Mr. President, how much time is left on this side?

The PRESIDING OFFICER. Twelve seconds.

Mr. SESSIONS. Twelve seconds. I thank the Chair.

So, Mr. President, this country needs to end the lawlessness, and after that is done—and it can be done shortly—the American people want us to wrestle with how to handle people who have entered our country illegally. The reverse is not true.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. They do not want us providing amnesty before the border is secure.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I see the minority leader, Senator MCCONNELL, is on the floor. I will make a unanimous consent request, but I want to make certain he has his opportunity to speak.

So I would ask unanimous consent that after Senator MCCONNELL has completed his remarks, I be given 10 minutes to speak, and an equal amount of time offered to the Republican side of the aisle, before the first rollcall vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Did the Senator say 10 minutes?

Mr. DURBIN. Ten minutes each side, and I would offer the same amount to your side.

Mr. MCCONNELL. I would say to my friend from Illinois, we don't need 10 minutes.

Mr. DURBIN. Then I ask for 10 minutes to speak after the Senator has completed his remarks.

Mr. MCCONNELL. Is my friend from Illinois asking a consent?

Mr. DURBIN. I ask unanimous consent after Senator MCCONNELL completes his remarks that I have 10 minutes to speak, and I believe we will be able to accommodate everyone's schedule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am just going to proceed for a couple minutes on my leader time.

The PRESIDING OFFICER. The Senator is recognized.

DEMOCRATIC MISPLACED PRIORITIES

Mr. MCCONNELL. Mr. President, it is perfectly clear our friends on the other side are more interested in pleasing special interest groups than in addressing our Nation's job crisis. Once again, they are insisting the Senate spend its last remaining days before the end of the session voting on a liberal grab bag of proposals that are designed to fail. They don't even intend to pass these items. They just want to show they care enough to hold these show votes, which raises a question: Are we here to perform or are we here to legislate?

Our friends have focused on partisan votes for 4 years now. Meanwhile, millions of Americans have lost jobs and homes and in many cases hope. The Nation's debt has skyrocketed through misguided programs Americans did not want. It is time to put them aside and actually accomplish something the American people support. It is time to give back the legislative process to the people who sent us here.

That means preventing a tax hike that is about to slam every working American. It means doing something to address the jobs crisis, to give families and small businesses the tools they need to revive this economy and get people back to work. It is time to end the posturing and to work together to accomplish something, not for the liberal base, for the vast middle of America that needs us.

The White House has signaled its concern over the economy, that its policies are not helping, and that it is time to work with Republicans on forging a new path. We have reached a bipartisan agreement. It is time Democrats in Congress reach a similar conclusion and enable us to act for the good of the whole country. Americans are counting on us. They have waited long enough.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Illinois.

THE DREAM ACT

Mr. DURBIN. Mr. President, I thank the minority for giving me this opportunity to speak. Later in this queue of votes there will be a vote on an issue known as the DREAM Act. I introduced this bill 10 years ago. What I am attempting to do in this bill is to try to resolve an item of great injustice in America.

All across this country are young boys and girls, young men and women who came to this country with their parents when they were only children, who were brought in by parents who were here in illegal status. They could have been parents who came here on a student visa and stayed beyond when

they were supposed to. But the children have been raised in America. They have grown up in this country.

I learned of this issue in Chicago when a young Korean-American mother called and said: My daughter, I brought her here when she was 2 years old and I never filed any paperwork. She just completed high school. She has been accepted at Juilliard School of Music. She is an accomplished pianist. What should I do?

When I contacted our immigration authorities, they said: Send her back to Korea. She is not an American citizen. She has no status in this country.

Multiply that story many times over and you will know why I introduced the DREAM Act. If you or I were driving down the highway and speeding, pulled over by a policeman and given a ticket, we would understand it. But if they also gave a ticket to your young daughter in the backseat, you would say: That is not fair. She wasn't driving. These children were not driving when their parents came to America, but they have been trying to drive through the obstacles that are here for all new immigrants into this country, and they have achieved some remarkable things.

I met these young men and women across America. They are inspiring in terms of what they achieve coming from poor immigrant families. They are the valedictorians of their classes, they are presidents and stars on the sports teams and the people who win the college bowls and they are undocumented. They have no country and they have no place to go.

So we said, in the name of compassion and justice, give these young people a chance. I introduced the bill 10 years ago and I have been fighting ever since to pass it and this afternoon we will have the chance to move to this bill, the DREAM Act. But we don't make it easy on these young people. Despite the fact that half the Hispanics in this country today do not graduate from high school, we require, for example, that all children covered by the DREAM Act must graduate from high school. As to this argument by the Senator from Alabama that they may go to a phony or fake high school, let me tell you these young people are going to be carefully scrutinized. They have to meet the test.

That is not all they have to meet. There will be other tests too. Have they been guilty of a felony or criminal activity beyond simple misdemeanors? It disqualifies them.

Have they engaged in voter fraud or unlawful voting? It disqualifies them. Have they committed marriage fraud? It disqualifies them. Have they abused the student visa? It disqualifies them. Have they engaged in any kind of activity that would create a public health risk? It disqualifies them.

For 10 years, these young people will have a chance to do one of two things: To enlist in our military—think of that. We have young undocumented people in this country today who are willing to risk their lives to serve in the U.S. military alongside our heroes, our men and women currently serving.

Let me tell you the story of one I have met. This is Cesar Vargas. This is an extraordinary young man who came to New York at the age of 5, brought here by his parents. When 9/11 occurred, Cesar Vargas went down to the recruiters' office and said: I want to sign up. I want to fight for my country.

They said: Mr. Vargas, this is not your country. You may have lived here all your life, but you have no place here. You cannot enlist.

He was disappointed, but he didn't quit. He went on to finish college. He is now in law school. Cesar Vargas is a student at the City University of New York School of Law, where he has a 3.0 GPA. He is fluent in Spanish, Italian, French and English and he is mastering Cantonese and Russian. When he graduates from law school, he will be a choice candidate at some major law firm, but that isn't what he wants to do. He wants to enlist in the military of the United States of America. He cannot do it today because Cesar Vargas, who has lived his entire life, to his knowledge, in this country, has no country. The DREAM Act will give him a chance to volunteer to serve America. If he does, it puts him on a path to become a citizen. I think that is fair.

We also say that if a young person completes 2 years of college, we will put them on the path to legalization. Do you know what percentage of undocumented students go to college today? Five percent, 1 out of 20. It is a huge obstacle for these people. Yet they are prepared to clear that obstacle and, if they do, they will wait for 10 years with conditional immigrant status. What does it mean? They have no legal rights for 10 years, even if they do these things—enlist in the military or go on to finish 2 years of college. For 10 years, they cannot draw a Pell grant, a Federal student loan, no Medicaid, no government health programs—they don't qualify for any of it for 10 years. Then, we put them in a process of another 3 years of close examination and scrutiny before they reach the stage of legalization—13 years.

Do you know what. Some of them are going to make that journey successfully because that is who they are. If you meet these young people, you will understand some of the things said on the floor are so wrong. These are the most energetic, idealistic young people you can meet in your life. They are tomorrow's lawyers and doctors and engineers. That is why major business groups have endorsed this legislation, saying we need this talent pool. That is why the Secretary of Defense has endorsed this legislation, saying we need these young men and women in our military to serve our Nation. We can give them a chance to serve, we can put them on a road that will be difficult but no more difficult than what they have gone through in their lives or we can say, no, wait for another day.

Some of my colleagues have said we will take up the DREAM Act once the borders of America are safe. I have signed up for every bill, virtually everything that has been proposed to make our borders safe. Come July, we put $600 million more into border protection. I didn't object. Do it. Let's make our borders safe. But for goodness' sake, is it fair to say to these young people you cannot have a life until our borders are the safest in the world, when we have the longest border in the world between the United States and Mexico? Keep working on making those borders safe but give these young people a chance. These people embody what I consider to be the immigrant spirit which makes America what it is today.

I am proud to stand here as the 47th Senator from Illinois and the son of an immigrant. My mother came to this country at the age of 2 from Lithuania, and I thank God her mom and dad had the courage to get on that boat and come over here and fight the odds and give me a chance to become an American citizen and a Senator.

That is what America is about. That is the story of our country, the strength, the determination of these immigrants and their children.

These people are important to our future. These young men and women deserve that chance, and we will have an opportunity today. I know some vote against it for a variety of reasons, and I don't question their motives at all, but I hope they get a chance to meet these young people. They are all over Capitol Hill. They do not have paid lobbyists. They are walking around, usually in graduation gowns and mortar boards because that is what they want, a chance to go to school and improve themselves. If you meet them and talk to them, you will be convinced, as I am, that this is the single best thing we can do for the future of our country, the single best thing we can do in the name of justice. This is our current challenge when it comes to the future of immigration.

I urge my colleagues on both sides of the aisle to ignore and set aside some of the arguments that have been made that do not stand up to scrutiny. To understand what we are doing in this bill is to give these young people a chance but to hold them to a standard which very few of us can live up to. We want to make sure they apply within 1 year of this bill passing. We want to make sure they have their chance to succeed. When they do, we will be a better nation for it.

All across this country the leaders at universities and colleges tell us these are the young people we want who will make this a better nation. Some of the arguments that have been made suggest this is going to be a piece of cake, it is so easy for these young people. It will not be. It will be a hard process and a difficult road to follow. But in the name of justice, in the name of fairness, give these young people a

chance—a chance to be part of this great country.

Every single one of us, but for those who were Native Americans here long before the White people arrived, have come to this country as immigrants—not this generation perhaps but in previous generations. Those who were African American have come against their will. The fact is, they are here, and they are what makes America the great Nation it is. Our diversity is our strength and these young people are as strong as they come.

Let's pass the DREAM Act. Let's make these dreams come true. Let's stand, once and for all, and say this just Nation not only has room but welcomes all this talent that has come to our shores.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the DREAM Act. This important legislation would give eligible young people, who were brought to the United States as children, the opportunity to contribute meaningfully to the United States.

This bill addresses just one small piece of the immigration debate, but it has a profound impact on the lives of undocumented youth. I have supported the DREAM Act since it was first introduced in 2001 by Senators HATCH and DURBIN. Since then, the DREAM Act has had wide bipartisan support. It passed through the Senate Judiciary Committee twice.

Each year, approximately 65,000 undocumented youth graduate from American high schools. Most of these undocumented youth did not make a choice to come to the United States; they were brought here by their parents. Many of these young people grew up in the United States and have little or no memory of the countries they came from. They are hard-working young people dedicated to their education or serving in the Nation's military. They have stayed out of trouble. Some are valedictorians and honor roll students; some are community leaders, and have an unwavering commitment to serving the United States.

Through no fault of their own, these young individuals lack the immigration status they need to realize their potential. Because of their undocumented status, they are ineligible to serve in the military and face tremendous obstacles to attending college. For many, English is their first language and they are just like every other American student.

Now reaching adulthood, these young people are left with a dead end. They can't use their educations to contribute to their communities. They can't serve the country they call home by volunteering for military service.

The DREAM Act provides an opportunity for these students to fulfill the American dream. It would permit students to become permanent residents if they came here as children, are long-term U.S. residents, have good moral character, and attend college or enlist in the military for 2 years.

These students would have to wait for 10 years before becoming lawful permanent residents and undergo background and security checks and pay any back taxes. This is a multistep process, not a free pass.

In addition, DREAM Act eligible students would not be eligible for in State tuition at State colleges and universities or Federal education grants. These students would only be eligible for Federal work study and student loans.

The DREAM Act also contains tough criminal penalties for fraud and excludes students from participation in health insurance exchanges, Medicaid, food stamps, and other entitlement programs.

According to the Congressional Budget Office, the DREAM Act would increase Federal revenues by $2.3 billion over 10 years and increase net direct spending by $912 million between 2011 and 2020. In addition, the Congressional Budget Office and the Joint Committee on Taxation estimate that enacting the bill would reduce deficits by about $1.4 billion over 10 years.

I would like to tell you about a few college students in California, who would benefit from the DREAM Act.

Arthur Mkoian came to the United States from Armenia with his mother when he was 3 years old. Arthur attended Bullard High School in California, maintaining a 4.0 grade point average. Arthur graduated in 2008 as his class valedictorian. He is now in his second year at U.C. Davis, majoring in biochemistry. Arthur maintains A grades, and is on the Dean's Merit List. He hopes to continue on to study medicine, but without the DREAM Act, his future remains uncertain.

Nayely Arreola came to the United States with her parents and younger brother in 1989, when she was only 3 years old. Her family made their home in California, working hard to succeed. The family was taken advantage of by a negligent immigration attorney, who was later disbarred, who took away their chance to legalize their status. Despite this, Nayely is an excellent student. She was the first member of her family to graduate high school and went on to graduate from Fresno Pacific University. While she was in college, Nayely maintained outstanding grades and became president of her class.

Ivan Rosales came to the United States when he was 10 months old. His family settled in San Bernardino, CA, where Ivan excelled in school. He found out about his undocumented status in the 7th grade when he could not accept an award he earned at a science fair because he didn't have a Social Security number. Ivan is a presidential scholar who graduated within the top 1 percent of high school graduates in San Bernardino County. He is currently a senior at the California State University and is a pre-med biology major. He hopes to become a doctor in the army someday and says that it would be an honor to provide care to the brave men and women risking their lives for this country.

The United States is worse off if it lets the talents of these young people go to waste. They have demonstrated their commitment to this country's ideals through their academic success, leadership, and dedication to their communities. It is in the Nation's best interest to provide talented young people the ability to become full members of our society.

The DREAM Act has widespread support from labor, business, education, civil rights, and religious groups, who recognize that the potential of these young people should not be lost.

The presidents and chancellors of several universities including the University of California, California State University, the University of Washington, Arizona State University, the University of Minnesota, the University of Utah, and Washington State University recently wrote a joint letter expressing their support of the DREAM Act. In that letter, they state that in this age of international economic competition, ''the U.S. needs all of the talent that it can acquire and these students represent an extraordinary resource for the country . . . it is an economic imperative.''

Businesses such as the Microsoft Corporation support the DREAM Act. The Microsoft Corporation believes in the DREAM Act because, ''It is essential to our nation's competitiveness and success to nurture the talent we have and to incorporate bright, hardworking students into the workforce to become the next generation of leaders in this country.''

Retired GEN Colin Powell, a former Chairman of the Joint Chiefs of Staff and a former Secretary of State, and other current and former military leaders support the DREAM Act because it would greatly enhance military recruitment. The DREAM Act is included in the Department of Defense's fiscal year 2010–2012 Strategic Plan to help the military ''shape and maintain a mission-ready All Volunteer Force.''

In 2006, then-Under Secretary of Defense David Chu testified that many of the DREAM Act eligible students have the attributes needed in the military—''education, aptitude, fitness, and moral qualifications.'' They should not be prevented from joining the military because of their undocumented status.

These students have been raised in the United States and educated here. Often times, they did not choose to be here, but this is the only home they know. They have worked hard to graduate from high school under adversity. Many are willing to make the ultimate sacrifice to serve in the military of this country—the country they feel is their own. They are class presidents, gifted athletes and musicians, aspiring scientists, engineers, teachers, and physicians. We should not put up a barrier to their potential to give back to this country. Instead, we should pass the DREAM Act and allow these students to succeed.

Mrs. MURRAY. Mr. President, one of the many values that makes America so great is that no matter where we start off from in life, we believe that we all deserve to have a shot at the American dream.

We all deserve an opportunity to work hard, support our families, and give back to the Nation that has been there for us all of our lives.

This is an American value I cherish. It is one I feel very strongly we ought to maintain and strengthen. And it's why I stand here today to talk about the DREAM Act, which would help us do exactly that.

This bill is about giving those that know no other country but the United States an opportunity.

An opportunity to give back as a successful member of society, an opportunity to serve in the military and to risk their lives to defend the values we hold dear, an opportunity to reach a legal status that allows them to come out of the shadows, and an opportunity to reap the benefits of the fact that they have worked hard and played by the rules.

The DREAM Act would allow a select group of undocumented students a path to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and attend college for at least 2 years or enlist in the military.

Under this bill, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time.

These are young people who love our country and are eager to serve in the Armed Forces during a time of war.

It would also make qualified students eligible for temporary legal immigration status upon high school graduation which would lead to permanent residency if they attend college.

And most importantly—it would tell young people—who have studied, who have worked multiple jobs, who have often overcome poverty and hurdles that few other young people face—that the American dream is alive and well.

This is about our values as a Nation.

But it is also about real communities. And real people in my home State of Washington and across the country.

I recently heard from a student named Jessica who is a senior at Washington State University.

Jessica shared how she is on the verge of completing her degree and would like nothing more than to continue on to get her master's degree in education so she could give back to her community.

But like so many young people who would benefit from passage of this bill, for Jessica this is simply not a reality.

Because we cannot move this bill, Jessica's dream of helping to improve our education system has been dashed.

Jessica writes that while the rest of her classmates attend career fairs and interviews she battles with the nightmare of having to do menial labor for the rest of her life or returning to a country she has never known.

She ended her letter about the chance this bill would provide her by saying the following:

> The DREAM Act is the only hope that I have to be a productive citizen in the future.
>
> I am amazingly thankful for the opportunities that this country has offered me and my family and the only thing that I want to do is to give back.
>
> I would like to be given the opportunity and privilege to be able to obtain the American Dream which is entitled to the citizens of this beautiful country.
>
> Please don't continue to close the doors on exemplary individuals.
>
> We want to become a part of this nation and continue to live on the values and principles written in the Constitution because this is the only way we know.

The only way that can happen—the only way any of these young people can get that shot—is if we pass this bill.

Jessica is just one of the young people whose life this affects—but I have received hundreds of stories just like hers.

And this issue touches so many more across the country.

This bill is a first step towards fixing an immigration system that is clearly broken with real solutions that will help real people.

And for me, this isn't just about immigration, it is about what type of country we want to be.

America has long been a beacon of hope for people across the world.

And I believe that to keep that beacon bright we need to make sure young people are given a shot at the American dream.

The dream that was there for me, that is there for my children and grandchild, and that is there for millions of others across this great country.

So once again, I am calling on Senate Republicans to end their long efforts to block this legislation.

Let's pass this bill today. Let's allow young people who have lived nearly their entire lives here to help boost our economy, help enrich our schools, and help defend our country.

Let's get back to common sense.

And let's keep working toward comprehensive immigration reform that helps our economy, affords the opportunities we have offered to generations of immigrants, maintains those great American values that I hold so dear, and improves our security.

Mr. BROWN of Massachusetts. Mr. President, I come to the floor today because I have not forgotten what happened on September 11, 2001. I have not forgotten the brave men and women who risked their lives and lost their lives on that fateful day when 19 men brought the fight against terrorism to our American shores.

Today the Senate held a procedural vote on whether to proceed to a House bill that would create a program dedicated exclusively to provide screening and treatment to the first responders and other men and women who participated in rescue efforts at the World Trade Center.

As I have said repeatedly, the intent of the House bill and the work of my colleague, Mrs. GILLIBRAND, are honorable and good. As I have said in every meeting that I have held—whether meeting with firefighters and police officers in Massachusetts, whether it be with Mayor Bloomberg of New York City or New York City Police Commissioner Kelly—I support their efforts and their good work and dedication to make sure that none of the heroes from September 11, 2001, are left behind or forgotten.

We should not forget the lives that were lost that day. The lives that were risked that day. And those who continue to live with scars from that day. And I can assure you, we won't.

I agree with my colleague, Mrs. GILLIBRAND that the House bill is a good start on how we can provide benefits to the first responders but that we need to do so in a realistic and pragmatic way.

Like many of my colleagues, I do not agree with how the House proposes to pay for these benefits. Taxing businesses—especially in this economic environment—is not a realistic way to generate revenue. And I think my colleague from New York and others agree that raising taxes on businesses to the tune of billions of dollars is neither appropriate nor realistic.

I am encouraged that the Senators from New York are serious about seeking a compromise and finding an alternative mechanism to provide a funding source. They have offered additional ideas for how we can provide these benefits. And I have offered ideas on how we can provide these benefits. This is not an easy task. Finding nearly $8 billion in funding that will garner enough support in the Senate is not easy.

I remain committed to working with my colleagues on this issue.

Mr. DODD. Mr. President, I rise today to speak in support of the Public Safety Employer-Employee Cooperation Act, a bipartisan measure that will guarantee our Nation's law enforcement officers, firefighters and emergency medical personnel the right to bargain collectively with their employers. I have been proud to work with Senator GREGG on this important legislation for many years. I also want to acknowledge my good friend, Senator Ted Kennedy, who long championed this bill.

Now more than ever, the risks taken by our first responders are greater than they have ever been. From the increased risk of terrorist attacks, to the catastrophic hurricanes, tornadoes, and wildfires that have ravaged our country from coast to coast, each and every day we ask more from our emergency workers, and they always rise to the challenge. These are people who have chosen to dedicate their lives to serving their communities—making the streets safe, fighting fires, providing prehospital emergency medical care, conducting search-and-rescue missions when a building collapses or a natural disaster occurs, responding to hazardous materials emergencies, and so much more.

The Public Safety Employer-Employee Cooperation Act provides these brave men and women with basic rights to bargain collectively, a right that workers in many other industries have

used effectively to improve relations with their supervisors. This bill is carefully crafted to allow States a great deal of flexibility to implement plans that will work best from them. All it requires is that States provide public safety workers with the most basic collective bargaining rights—the right to form and join unions and to collectively bargain over wages, hours, and working conditions. It also will require a mechanism for settling any labor disputes. These are rights that a majority of States, including my home State of Connecticut, already provide these workers, and this bill does nothing to interfere with States whose laws already provide these fundamental rights.

This bill will allow States to continue enforcing right-to-work laws they may have on the books, which prohibit contracts requiring union membership as a condition of employment. This bill even allows States to entirely exempt small communities with fewer than 5,000 residents or fewer than 25 full-time employees.

Importantly, this bill takes every precaution to ensure that the right to collectively bargain will not interfere with the critical role these workers play in keeping our communities safe. It explicitly prohibits any strikes, lockouts, or other work stoppages. But the key to this bill is truly to foster a cooperative atmosphere between our first responders and the agencies they work for. Cooperation between labor and management will inevitably lead to public safety agencies being better able to serve their communities. Unions can help ensure that vital public services run smoothly during a crisis, and this bill will further that goal.

I would add that this legislation enjoys enormous bipartisan support. During the 110th Congress, the House passed it by a vote of 314–97, and the Senate voted to invoke cloture by a vote of 69–29. In the 111th Congress, the Cooperation Act has five Republican cosponsors, including the lead sponsor, Senator GREGG. Moreover, the House version has 50 Republican cosponsors. In an era that is all too often dominated by party-line votes, this is an extraordinary show of support from both parties. That is because we recognize the unique and essential role these workers play in every single community, and we recognize that by granting them these basic rights they will be able to better serve those communities.

This bill addresses some of the most critical concerns of our Nation's first responders. It goes beyond negotiating wages, hours and benefits. In this circumstance, for this group of people, it means so much more. It means that the men and women who run into burning buildings, resuscitate accident victims, and patrol the streets of our towns and cities can sit down with their supervisors to relate their real life experiences. They can discuss their concerns and use their on-the-ground expertise to help improve their service to the community. Granting our first responders this basic right is not only in their best interest—it is in all of our best interests. It will allow these men and women to better serve their communities by fostering a spirit of cooperation with the agencies and towns that employ them.

When tragedies have struck us, from the September 11 attacks to Hurricane Katrina, it is these workers who are the first people on the scene and the last to leave. We owe them everything, and all they have asked of us in return is dignity and respect in the workplace. They stand with us every single day on the job, and it is time we stand with them. I urge all my colleagues to join me and the millions of first responders who form the backbone of our Nation's homeland security by voting to pass this crucial legislation.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 662, S. 3991, the Public Safety Employer-Employee Cooperation Act of 2010.

Harry Reid, Patrick J. Leahy, Tom Harkin, Carl Levin, Daniel K. Inouye, Richard J. Durbin, Byron L. Dorgan, Jack Reed, Jeff Bingaman, Dianne Feinstein, Mark Begich, Robert Menendez, Daniel K. Akaka, Sherrod Brown, Sheldon Whitehouse, Patty Murray, Debbie Stabenow, Barbara Boxer.

Mr. SESSIONS. Mr. President, parliamentary inquiry: Was there 10 minutes to both sides?

Mr. DURBIN. Mr. President, Senator MCCONNELL said his side did not want the 10 minutes.

Mr. SESSIONS. I ask unanimous consent to have 3 additional minutes before we vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Alabama.

Mr. SESSIONS. Just briefly, I would say to my distinguished colleague, Senator DURBIN, who I know cares deeply about this issue, I think there is not an injustice today. The law is if you are born here, even from illegal parents, you are a citizen. But if you come into the country or are brought into the country, you are here illegally. That is what the law is. It is not an injustice to enforce the law.

No. 2, I would note that millions of people apply and wait for citizenship, but these individuals who came illegally—maybe at age 14, 15, 16—apply and get to the head of the line over people who have waited for a long time. I do not know that that is justice.

The military already allows people who are not citizens and people who are illegally in the country to join the military and they are given citizenship.

Lots of them achieve citizenship that way. This bill is not necessary to do that. For 10 years, the cost is scored by CBO. It is $5 billion. There is a cost. In addition, for Pell grants—these are grants, not loans students get to go to college—these individuals would be eligible for those as soon as they get in college, after even a GED instead of a high school diploma.

This idea that we are already doing enough at the border and we are doing everything that is possible, I would note this administration has not completed the fence Congress authorized. We are not deporting people effectively. They have sued the State of Arizona that tried to help the Federal Government enforce the law. They have refused to make the E-Verify Program permanent. No workplace raids are being conducted. They were stopped soon after this administration took office.

So I would say, for a host of reasons, we are not doing what can be done and should be done to bring the lawlessness to an end, and to therefore put us in a position to wrestle, as a nation, with how to deal with people who violated the law and came illegally.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 3991, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Specter
Casey	Levin	Stabenow
Conrad	Lieberman	Tester
Coons	Lincoln	Udall (CO)
Dodd	Manchin	Udall (NM)
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—43

Alexander	Bond	Chambliss
Barrasso	Brown (MA)	Coburn
Bennet	Bunning	Cochran
Bennett	Burr	Collins

Corker	Inhofe	Roberts
Cornyn	Isakson	Sessions
Crapo	Johanns	Shelby
DeMint	Kirk	Snowe
Ensign	Kyl	Thune
Enzi	LeMieux	Vitter
Graham	Lugar	Voinovich
Grassley	McCain	Warner
Hagan	McConnell	Wicker
Hatch	Murkowski	
Hutchison	Risch	

NOT VOTING—2

Brownback Gregg

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, as always happens, there are always bumps in the road here in the Senate, most of which we don't foresee. We have scheduled now four votes. We are going to move to the next one as soon as we can. The House of Representatives is in the process of voting on the DREAM Act, but they may not get to it for a couple of hours. I need to have them finish their vote before we vote over here. So having said that, we may be in a little downtime here after we finish this vote for a couple of hours or whenever we can get to it. They have to have that vote completed over there. They know we are in a hurry. We also will get today from them the continuing resolution that will allow us to do something about spending. I am doing my best to work through these issues, including the issue that has overwhelmed us all the last few days, and that is the framework for the tax thing that has been negotiated. The main reason for interrupting is the next two votes will not flow automatically. We need to do them sometime tonight. I am working with Senator COLLINS and Senator LIEBERMAN, Senator LEVIN and others to try to come up with some way to move forward on the Defense bill. We will see if that can be done. There are a lot of other things going on around here such as the START treaty and a few other things. We are trying to work through that. I am sorry we will not be able to proceed right through these votes, but we may have to have a downtime for a few hours.

EMERGENCY SENIOR CITIZENS RELIEF ACT OF 2010—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. There are now 4 minutes of debate equally divided prior to the next vote.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I would like a minute and a half, and I will yield to Senator WHITEHOUSE the remaining 30 seconds.

The reality today is that millions of senior citizens and disabled vets are hurting. They are spending a whole lot of money on prescription drugs, a whole lot of money on health care. Yet for the last 2 years they have not gotten any COLA because, in my view, of a poor methodology in terms of how we determine COLAs for senior citizens.

What this amendment does is provide a one-time $250 check to senior citizens and disabled vets. That is what it does. This amendment is supported by AARP, the largest senior group in America; the American Legion; Veterans of Foreign Wars; the National Committee to Preserve Social Security and Medicare, and virtually every senior group and every veterans organization.

People are wondering how it could be that we could provide $1 million in tax breaks to the richest people in this country but we cannot come up with $250 for struggling seniors and disabled vets.

I hope my colleagues will support this important piece of legislation.

I yield to my colleague from Rhode Island.

Mr. WHITEHOUSE. Mr. President, Rhode Island seniors get an average Social Security benefit of $13,500 a year, which makes it tough sledding to live on in the cold Northeast in the wintertime.

The COLA adjustment is misfiring for seniors. Their heating costs go up, their prescription costs go up, their pharmaceutical costs go up, and we have missed the COLA twice. We fixed it in 2008 with a one-time vote. We fixed it in 2009 with a one-time vote. Let's please do it again for 2010 and support Senator SANDERS' amendment and not be scrooges to our seniors while we are being fabulously generous to megamillionaires.

Mr. LEAHY. Mr. President, on October 15, 2010, we learned that next year Social Security beneficiaries will not receive a cost of living adjustment for the second year in a row because of the economic deflation, rather than inflation, our economy experienced in 2010. At a time when the economy continues to lag and seniors in Vermont and around the country will struggle to afford heat, food, and other daily living expenses, I believe strongly that Congress needs to act to help seniors who depend upon Social Security benefits.

For decades, Social Security has represented a strong commitment to our Nation's seniors. Ever since Ida May Fuller of Vermont received the first Social Security check issued, vulnerable seniors have had a safety net to fall back on in retirement and to supplement individual retirement savings or pensions. Nearly 70 percent of beneficiaries depend on Social Security for at least half of their income, and Social Security is the sole source of income for 15 percent of recipients.

I was proud to join Senator SANDERS once again in cosponsoring the Emergency Senior Citizens Relief Act, which would provide all Social Security recipients, railroad retirees, SSI beneficiaries and adults receiving veterans' benefits with a one-time additional check for $250 in 2010, similar to the payment beneficiaries received as a part of the American Recovery and Reinvestment Act. Today, we have the opportunity to move to debate this important emergency relief for America's seniors.

This legislation would benefit 58 million Americans and over 120,000 Vermonters, far too many of whom have seen a decline in their living standards as the economy worsened. The National Committee to Preserve Social Security and Medicare Foundation and the Economic Policy Institute issued a report this fall that showed similar payments included in the Recovery Act to seniors stimulated the economy and was an effective job creator. A minority of Senators, however, plan on once again blocking this legislation from a full debate in the Senate. The minority party seems content to bend over backwards to pass an extension of tax cuts to the wealthiest Americans, which will add hundreds of billions of dollars to the deficit, but helping seniors in tough economic times is just too costly a proposition. That is unfortunate, and I hope for enough support in the Senate to move this legislation forward.

By supporting this bill, Senators have the opportunity to express our continued commitment to providing a safety net to our Nation's seniors and those with disabilities in this uncertain economy. I urge my fellow Senators to support the motion to invoke cloture on the Emergency Senior Citizens Relief Act.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, we yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back.

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 655, S. 3985, the Emergency Senior Citizens Relief Act of 2010.

Harry Reid, Richard J. Durbin, Bernard Sanders, Sherrod Brown, Debbie Stabenow, Sheldon Whitehouse, Patrick J. Leahy, Byron L. Dorgan, John D. Rockefeller, IV, Charles E. Schumer, Al Franken, Barbara A. Mikulski, Jack Reed, Frank R. Lautenberg, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Tom Udall.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3985, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Kansas (Mr. BROWNBACK) and the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—53

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Specter
Casey	Levin	Stabenow
Conrad	Lincoln	Tester
Coons	Manchin	Udall (NM)
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NAYS—45

Alexander	Ensign	Lugar
Barrasso	Enzi	McCain
Bennett	Feingold	McConnell
Bond	Graham	Murkowski
Brown (MA)	Grassley	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Thune
Collins	Johanns	Udall (CO)
Corker	Kirk	Vitter
Cornyn	Kyl	Voinovich
Crapo	LeMieux	Warner
DeMint	Lieberman	Wicker

NOT VOTING—2

Brownback	Gregg

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we go into a period of morning business until 6:30 tonight, and that Senators be allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REJECTION OF COST OF LIVING ADJUSTMENT

Mr. BROWN of Ohio. Mr. President, I stand here simply amazed at what happened in the Senate, although I probably shouldn't be. I stand here amazed because in these economic times, senior citizens from Gallipolis to Ashtabula, to Middletown, to Toledo, in my State, and from the Iron Range to Rochester, MN, the State of the Presiding Officer, and all across this country, who didn't get a cost-of-living adjustment this year; who are victims of inflation—medical inflation especially—and the inflation rate is not very high in our society, so they didn't get a cost-of-living adjustment, even though their cost of living has gone up—every single Republican in this institution—every single Republican—voted no on a $250 one-time check to go to senior citizens. It would have meant the equivalent of about 1½ percent or less than that cost-of-living adjustment.

If they are so interested in balancing the budget that they do not want to do that, maybe that is one argument—although not a very good one in these economic times—but when, in the same week, they sign a letter saying we are not going to do anything—every single Republican signed a letter saying we are not going to do anything in the Senate—we are not voting yes on anything until we get the tax cut for millionaires and billionaires, that is pretty outrageous.

In the tax cut they are asking for, someone who makes $10 million a year gets a $40,000 tax cut—I am sorry, somebody making $10 million a year gets a $100,000 tax cut, I believe; somebody making $1 million gets a $40,000 tax cut. And they are saying they are willing to vote for that, but they are not willing to vote for $250 for every senior citizen in this country.

The cost of that, if you want to get in the weeds and talk about budget issues, the cost of that $250 that Senator SANDERS sponsored would be about $13 billion. The cost of these tax cuts for the wealthy is about $700 billion over the next 10 years.

Basically, what they are doing, what we are doing for their tax cuts for the wealthy is in essence borrowing $700 billion from China and putting it on our children's and grandchildren's credit card to pay off later—let them worry about it—and giving that money to millionaires and billionaires. They are willing to do that, but they will not vote $250, a total of $13 billion one time. They are not willing, for this year, to help those seniors in Youngstown and Lima and Zanesville and Chillicothe and Tipp City, OH. I just don't get it.

I know it is the Christmas season. That is not a reason to do it, but you would think there would be a little more generosity in their hearts during this most difficult time for seniors who are barely making it. The average senior citizen in this country gets about $14,000 Social Security a year. Many seniors in my State, in places such as Columbus and Dayton and Portsmouth, live on not much more than their Social Security check, and a $250 payment would have made a difference—maybe not having to split their medicine in two and taking half a dosage each time or maybe actually being able to heat their homes as it gets colder and colder as the winter comes upon us, that they would have a little opportunity to at least do that and live a little more comfortably.

Instead this place again said yes to tax cuts for the rich, no to the senior citizens. A majority of Senators voted for this, but every single Republican voted against it. I don't get it. I don't mean to sound partisan, but when it is like that it is unbelievable. When Senators—most of us are going to go home and enjoy our holidays—that we would put our Nation's seniors through something like that.

I yield the floor and 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. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent to speak in morning business for the time I may consume, probably not longer than 20 or 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. COBURN. Mr. President, I hope the American people are watching Washington right now. We are at a defining moment in our country. There is not anybody in this body who does not recognize that our country is on an unsustainable course. They know it. It is well known. The world knows it. We can argue about how close we are to the debt crisis and the liquidity crisis, but no one disputes that one is coming. We just don't know when. Yet in the next 2 weeks Congress is going to make that problem $1 trillion worse.

We can say that a lot of what we are doing is the right thing to do, but what we are not doing is addressing the real issues that need to be accompanied by grownups as we look at this. What should the American people make of this? It is kind of like we are on the Titanic here in America and everybody is saying: The bar is open, we will just have a party the next 2 weeks. We are going to spend another $900 billion or we are going to set it up so that it can be spent.

I do not often agree with a columnist by the name of Thomas Friedman, but he has a column today that I think everyone in our collective body should read. It is aptly titled ''Still Digging.'' Here, he writes: Given where we need to go, this tax deal—this tax deal, opportunity scholarship deal, unemployment deal, tax holiday deal—is just another shot of morphine to a country that needs to do things that are big and hard and still only wants to do things that are easy and small. He concludes: Economics is not war. It can be win-

win. So it can be good for the world if China is doing better, but it can't be good for America if, every time we come to a hard choice, we borrow more money from a country that is not just outsaving and outhustling us but is also starting to outeducate us. We need a plan.

I couldn't agree with him more. I was part of the deficit commission, taken a lot of criticism for saying we needed to have that debate on the Senate floor. I still think we need to have that debate on the Senate floor. But this body will not even agree about having a debate about having a plan.

Last week, the members of the debt commission refused to even debate the plan—the Members refused to even debate the plan in Congress. We didn't get 14 out of 18 votes; we only got 11.

I wish to congratulate Senator DURBIN, Senator CONRAD, Senator CRAPO, and Senator GREGG for their efforts on that commission. You see, they think we need a plan. Senator CONRAD had a wonderful statement about it. He said this: The only thing that is worse than being for this plan is being against it. What he was really addressing is the fact that we are not willing to make the hard choices. We will not come together and do what is best for America. What we will do is just take another shot of morphine, drink another drink on the Titanic, and hope that somehow it gets better.

The fact is, we already have a debt commission. It is called the U.S. Congress. That is why I voted initially against the debt commission. I spent 8 months, had a full-time staffer working on that commission for the last 8 months. We are the debt commission. We have to have a plan to avert the catastrophe that is in front of us.

America needs to know it is urgent. It is not something that can wait a year. We are going to have a major liquidity crisis, and we are also going to have a major interest rate crisis. Nobody knows when it comes. But the one thing we do know is that if we don't have a plan, we will no longer control our ability to get out of our problem; the people who own our debt will control how we get out of our problem.

So if, in fact, we want to hand over our responsibility in the Senate to the bondholders of the world, then we should continue to not have a plan. But if, in fact, we want to embrace the oath we were given, then we should have a plan.

As we debate over the next 2 weeks coming up to Christmas, part of that debate has to be whether we are grown up enough to recognize that the party is over and that we better start bailing water, we better form the line, the bucket brigade; otherwise, we are going to go down with the ship.

Now, people can say: You are scaring people.

That is realism. That is what is getting ready to happen to us. Mr. Bernanke cannot solve our problems in this regard. Only we can solve these problems for the American people.

Cutting spending should be the easy part of our solution. We can document hundreds of billions of dollars a year that are either wasted, defrauded, or duplicative in the Federal Government. I have given hundreds of speeches over the last 6 years outlining those things, whether it be the $5 billion the Pentagon pays to contractors for performance bonuses when those contractors do not meet the performance requirements to get the bonus or the $80 to $100 billion a year in fraud in Medicare and Medicaid. Those are facts—the fact that we pay three times as much for a motorized wheelchair as it costs. We have not done anything to address any of those issues. It is not hard to cut spending. It is hard to get the will to have a plan that recognizes that we have to keep on keeping on until we get America out of this very dangerous time period we are experiencing.

We just learned that we rank 25th in the world in math, 17th in science. Yet we have 105 different, separate government programs to incentivize excellence in science, technology, engineering, and math. This is just a tiny little example of the work we need to do. We need to have one plan. It needs to have measurements on it. We need to oversight it. Then we need to look at it the next year. Is it working? Is it effective? We have 105 sets of bureaucrats, and we have not made the headway we all know is required for us to be competitive in a global economy. Yet not once this year, not once last year, not when Republicans were in control, not when Democrats were in control, did we do the effective oversight that is necessary to get us out of the jam we are in.

Oversight is hard work. It is not easy. It requires that we actually know what is going on in the government, which is part of our oath to begin with. We have to do the work, we have to read it, we have to go to the hearings, we have to interview the people, and we have to have investigators so we know what is going on. Yet we do not do that.

I often hear from my colleagues on the other side that we need to pay for the so-called Bush tax cuts, which are really your tax cuts. The assumption is that once the money comes to the government at a certain rate, it is always going to come, and it is not yours, it is the government's.

Let's grant that premise for a minute. Let's grant the premise that it is the government's money and not the individual's. I would issue this challenge: Anyone who thinks we ought to pay for tax cuts ought to have to put up a list of programs that we ought to eliminate to pay for them. I put up, every time, when people are wanting to spend money, a list of options we can do to make it to where we do not increase the very problem holes we keep digging in.

The fact is, the body is not interested in cutting spending, and the proof is what we did last year. The very same people who claim we need to pay for the tax cuts uniformly voted to override pay-go to the tune of $266 billion last year, just in this last year—not this whole Congress, just this last year.

So what we need to do is move away from that rhetoric. The problem is too big for us to take pot shots at each other on what we think is a political point. And we need to get down to the real business of having a plan that gets this country out of the very real difficulties we face. The very fact that we do not know when the problem is coming, the very fact that we cannot control our own destiny unless we start taking action now should give us all chills, that we are about to be the Senate, the Congress of the United States that allowed this to happen.

We cannot let that happen, no matter what our positions are. The only way we get out of the hole we are in is if we make shared sacrifices. That means political sacrifices. That means position sacrifices. That means monetary sacrifices. That means sacrifices against our wish list. It means we all have to sacrifice.

Some people say it is suicide to tell the American people they have to sacrifice. I adamantly disagree with that. They are grown up. They get it way ahead of us. They have already seen what is happening to us. They are feeling it now. They have this innate sense that we are disconnected from the very real problems they are seeing. They are ready to do their part.

I will borrow a line from someone far more eloquent, J.F.K. I remember; I was in high school.

> Ask not what your country can do for you, but ask what you can do for your country.

It was a great statement then. It is more appropriate now than ever.

What does a shared sacrifice mean? It means that if you live in this country and make a decent income, you need to be more responsible with your health care and retirement than you are today. If you have gamed the system to get disability benefits or workmen's compensation, sorry, your free ride is over. If you are receiving a special tax break because you have a good lobbyist, you are going to have to give that up. If you are a defense contractor, you might only get a bonus for doing exceptional work, not standard work, not for just showing up to work. And if you are a politician, it might mean you have to lose an election to do what is best for this country.

If we think about what is required and how we would achieve real change, we have two truths in tension: One, we have a government we tolerate; two, the American people have the power to change that government.

We can solve all of the difficult challenges before us, but we can't solve them if Washington will not even debate the problem. And if we can't overcome our courage deficit, the American people have a responsibility to replace us all—to replace every one of us.

Courage is having the fortitude to do the right thing for the right moral reason at the right time regardless of the consequences to you. And we lack that in our body politic today.

I know a lot of people see this tax deal as a big political victory. I do not see it as a victory at all for the country or for our side.

Actually, a former Bush staffer, Don Bartlett, is quoted as saying:

> We knew that, politically, once you get it into law, it becomes almost impossible to remove it. That's not a bad legacy. The fact that we were able to lay the trap does feel pretty good, to tell you the truth.

This gentleman just ignored the magnitude, severity, and urgency of the problems that face America.

The political cynicism that accompanies this should give us all pause to think for a minute on the games that are being played in Washington. Congratulations. Somebody embarrassed somebody else.

How does making our entitlement dilemma worse by passing Medicare Part D feel? It is now up to $13 trillion in unfunded liability, and the rich get the same benefit as the poor; does that feel good? How about doubling the size of the government since 1999; does that feel good, especially at a time when fraud, waste, and abuse has doubled? Does it feel good that we have done nothing to reform Social Security in the years since people applauded in the middle of the State of the Union address because of President Bush's failed effort to fix Social Security? Does that feel good? Did that solve something or was that political showmanship? That belies the history of this body of coming together.

Our Founders created the Senate to try to force consensus. That is what the rules were all about. What we need to do, Democrats and Republicans and our Independent colleagues, is recognize the depth and magnitude of our problem right now. There needs to be a great big time out. Who cares who is in charge if there is no country to run that can be salvaged? It doesn't matter.

Economists worldwide and some of the brightest people at Harvard and MIT, the University of Texas, Pennsylvania, they don't sleep at night right now. They know we are on the razor-thin edge of falling over a cliff.

The fact is, both parties have laid a trap for future generations by our inaction, our laziness, our arrogance, and a crass desire for power. We are waterboarding the next generation with debt. We are drowning them in obligations because we don't have the courage to come together and address or even debate a real solution.

The reason I voted for the deficit commission report? It had a lot of stuff in it I absolutely hated. It had one thing in it Oklahoma can't tolerate that will have to be changed. But the fact is, I believed the problem was so big and so urgent and so necessary that we ought to have that debate. We ought to make sure the American people know the significance of the problems facing us. Both Senator CONRAD and Senator DURBIN have taken heat. Guys on our side of the aisle have taken heat because we dared to say we should have a debate about the real problems that face this country. The special interests immediately started attacking from both sides.

That tells me we were doing some good. I often hear my colleagues assert the power of the purse when it comes to earmarking, but I never hear the same thing when we talk about trying to cut spending. The bias is to spend, not to cut spending. We are either going to do it or outside financial forces are going to force us.

Look what has happened so far this year with some other countries. In the first column of this chart, we see the debt in U.S. dollars in fixed terms. The second is what they have done in terms of government spending. In terms of debt, we, of course, lead the world, $13.8 trillion. We have France at $2 trillion, Germany at $1.46 trillion, Spain $602 billion, United Kingdom $1.47 trillion, and Canada. Every one of them froze or reduced the pay of their Federal employees. Every one of them cut their Federal workforce. Every one of them cut Federal spending by significant amounts. What have we done? A big goose egg, zero. That is what we have done. So no wonder the world does not have confidence and no wonder our business investment isn't coming in. We haven't created an environment where they would have confidence.

There is no question when the tax bill goes through we will see a bump up in confidence. When people get 2 percent more on their paycheck, we will see some bump up. But it will be short-lived.

The problem is not the tax deal but the fact that we are not addressing our real problems. We are addressing the symptoms of the problem. Does a 2-year extension give businesses, small and large, the confidence they need to plan for the future? I certainly hope so. But tax reform that had a meaningful effect on future capital investment would do a whole lot more. The problem is, we are not even willing to consider the hard choices. We will not even have an honest debate about a debate about hard choices. We just want to take our shot of morphine and go on down the road, have another martini on the deck of the Titanic.

The history of our country, at least what I saw growing up from the 1940s to the 1950s, the 1960s and the 1970s, was that our Nation thrived because we always embraced the heritage of service and sacrifice when our future was at stake. We actually have seen some of that in the last 10 years. I challenge my colleagues to go to Gettysburg or Philadelphia or visit ground zero and ask: What went through the minds of the brave young Americans when the doors of their landing craft opened on Omaha Beach? What motivated the heroes on flight 93 on 9/11 when they stormed a cockpit occupied by terrorists? What did our Founders think when they signed the Declaration of Independence, knowing their lives and fortunes were on the line? They were thinking about the future. They were making that critical decision to have courage in the face of adversity and take with it what may come. But they knew doing the correct and honorable and right thing was more important than their reputation or any other thing they had.

Here is what one of our Founders thought. Almost 234 years ago, on December 19, 1776, Thomas Paine was contemplating the great and uncertain struggle that lay ahead in our battle for independence and freedom. He said: ''If there must be trouble, let it be in my day, that my child may have peace.''

At the time of Christmas and Hanukkah, isn't that what we want for those who follow, peace of mind to not be threatened by what we have set up as an unsustainable debt dungeon?

I think we ought to have it in our day. Let it be our day. Let it be today. Let it be started with this debate we will have on the tax bill that will come before us. Let's make the effort to come to a consensus that we have to have a plan. It doesn't have to be my plan or the plan of Senator BENNET, but we have to have a plan. We have to signal to the rest of the world that we are willing to start making some of the appropriate sacrifices and generate the austerity that will allow us to continue this wonderful experiment. We are now facing the most predictable crisis in our history. We are doing nothing to avert the catastrophe, nothing, zero. In fact, we are still digging. It is time we stopped digging.

How will we be remembered? As a generation of politicians who saw a gathering storm and took action or a generation of politicians who put off the hard choices of honor and dishonored the sacrifices of our past?

We do have a choice. We can choose to come together and work to solve this problem in the very short term that will have a tremendous impact in the long term. What we don't have is a lot of time. As I heard somebody say today: Time fritters away so fast in Washington. It goes by so fast. We are all so busy. There is no problem in front of us in any committee, on any issue that is greater than the problems facing this country. We need to come together across the aisle to put a plan together that will give security to not only the generations that come and are here already but the peace of mind to know we are listening, we understand, and we are willing to make and lead by example in the sacrifices that have to come for us to solve the problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I rise to talk about the proposed tax compromise. Before doing that, since the

Senator from Oklahoma is on the floor, I wished to say how grateful I am for his courage in supporting the bipartisan commission's report on the deficit and the debt. His vote for that, as well as the votes of Senators CRAPO, DURBIN, and CONRAD, in 22 months in this place, this is the first time I have felt any confidence that we may actually be moving in the right direction. I wish to thank him for casting that vote. No one who voted for that, Democratic Senator or Republican Senator, agrees with everything that is in the package. But what we do agree with is that we need a plan to get this right. That is what we need to do.

There is a lot of talk in this town about whose side are you on. I hear that all the time. I will tell one quick story from the campaign trail. Every single townhall meeting I had, the issue of the deficit and the debt came up, profound anxiety among the people of my State that we are going to leave less opportunity, not more, to our kids and grandkids. I share the Senator's view that time is short. If we don't make these decisions, the capital markets are going to make them for us. It will not be like that frog in the boiling water. One morning, one day somebody in the capital markets is going to wake and say: I am not going to buy your paper anymore at that price. We are going to see our interest rates go through the roof, and we will see economic turmoil far worse than we have been going through now, the worst recession since the Great Depression.

I would talk about this in these meetings, about how we need to come together, Republicans and Democrats, and actually start solving the problems. The frustration people had—Democrats and Republicans, Tea Party people, unaffiliated voters—at our inability to work together to create solutions. I would say we have a moral obligation to the next generation to get this straightened out so we don't constrain their choices. The problem is even more urgent for our kids and grandkids.

I was lucky enough that my daughters came with me on a lot of these trips. They sat through a lot of these townhall meetings. I remember one morning my daughter Caroline followed me out. She is now 11 years old. She had heard about the constraints we were putting on the next generation. She tugged at my sleeve on the sidewalk and she said: Daddy, just to be clear—she was making fun of me because I overuse that expression—I am not paying that back.

When people ask me the question, whose side am I on, I am on Caroline's side. I am on the side of the 850,000 children going to Denver's public schools who don't deserve to be left what we are at risk of leaving them.

I want the Senator to know I will work with anybody, Republican or Democrat, in this Chamber in the time that I am here to make sure we are not that generation of Americans that leaves less, not more, behind.

I wish to talk briefly tonight about the discussions around taxes. I have been a strong supporter of a long-term extension of the middle-class tax cuts, estate tax reform that supports our small businesses, farmers and ranchers and extension of unemployment insurance for Coloradans who are struggling to find their way during this difficult economy.

Over the last year, in the very townhall meetings I was just talking about, Coloradans over and over have shared their frustration with me about Washington's complete failure to come to an agreement and by both parties' lack of willingness to even discuss a compromise. I could not agree with them more.

The bottom line is simple and straightforward. These tax cuts will expire in less than 4 weeks if we do nothing. If we do nothing, hundreds of thousands of Coloradans will see a tax increase and thousands more will lose their unemployment benefits in the worst recession since the Great Depression. This is completely unacceptable to them and to me.

If I were writing this bill, it would look different than the compromise. It would propose a 1-year extension of all tax cuts. I said that during the campaign because I felt it was important for us to have the time to figure out how we were actually going to pay for these tax cuts. So it would be for 1 year. It would be a longer term extension for the middle class. I would raise the exemption level for the estate tax but keep rates at the 2009 level.

I wished to say that, at the end of the day, while I am going to look for opportunities to make improvements to this framework and listen to other people's ideas as well, I intend to support the compromise. I am not convinced delaying this legislation until next year will produce a better bill. I am convinced it will create huge uncertainty for people all over my State and around the country, at a time when the last thing we can afford is uncertainty. The reality is, the new Congress might likely produce something far worse than the agreement that has been reached.

Whenever I cast a vote, I do so focused on the danger caused by our medium-term and long-term debt. That is why I have supported multiple measures to get spending under control. In this case, I think it would be far worse to weaken a fragile economic recovery by letting the middle-class tax cuts expire, throwing thousands of Coloradans off the unemployment rolls simultaneously.

Moving forward, we desperately need a more constructive and honest conversation about how we are going to turn our economy around for the long term. I will work with anyone—Democrat or Republican—to develop a Tax Code that actually encourages innovation, lifts innovation in the United States, builds back our middle class, and brings jobs back to Colorado and the rest of the country.

I will close by saying this: We face grave challenges, both economic and fiscal, at this moment in our country's history. The message I got loudly and clearly over the last 22 months is that people want to see us working together and solving problems. That is what I intend to do.

TAXPAYER ASSISTANCE ACT OF 2010

Mr. BENNET. Mr. President, I ask unanimous consent that the Finance Committee be discharged from H.R. 4994, the Taxpayer Assistance Act of 2010, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4994) to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens, enhance taxpayer protection, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, there is a substitute amendment at the desk, and I ask that the amendment be considered and agreed to; that the bill, as amended, be read the third time; and that after the reading of the Budget Committee pay-go letter, the bill, as amended, be passed; and that the title amendment, which is at the desk, be considered and agreed to; further, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4742), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 4743) was agreed to, as follows:

Amend the title so as to read: ''An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.''.

The PRESIDING OFFICER. The clerk will read the pay-go letter.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 4994, as amended.

Total Budgetary Effects of H.R. 4994 for the 5-year Statutory PAYGO Scorecard: net increase in the deficit of $2.278 billion.

Total Budgetary Effects of H.R. 4994 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of $17.276 billion.

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:

ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 4994, AN ACT TO EXTEND CERTAIN EXPIRING PROVISIONS OF THE MEDICARE AND MEDICAID PROGRAMS, AND FOR OTHER PURPOSES (AS INTRODUCED ON DECEMBER 7, 2010—ERN10381; ASSUMED ENACTMENT LATE DECEMBER 2010)

[By fiscal year, in millions of dollars]

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
	Net Increase or Decrease (−) in the On-Budget Deficit											
Total On-Budget Changes	12,035	7,038	299	−742	−1,849	−2,893	−3,626	−4,037	−4,336	−4,662	−16,782	−2,772
Less:												
Current-Policy Adjustment for Medicare Payment to Physicians [1]	9,624	4,881	0	0	0	0	0	0	0	0	14,505	14,505
Statutory Pay-As-You-Go Impact	2,412	2,157	299	−742	−1,849	−2,893	−3,626	−4,037	−4,336	−4,662	2,278	−17,276

Notes: Components may not sum to totals because of rounding. This legislation would freeze Medicare's payment rates for physicians' services at the current level through the end of December 2011 and extend many other expiring provisions in Medicare. Additionally, the legislation would limit the aggregate amount recovered from reconciliation of income used for determining eligibility for tax credits provided through health insurance exchanges.

[1] Section 7(c) of the Statutory Pay-As-You-Go Act of 2010 provides for current-policy adjustments related to Medicare payments to physicians.

Sources: Congressional Budget Office, Staff of the Joint Committee on Taxation.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4994), as amended, was read the third time and passed, as follows:

H.R. 4994

Resolved, That the bill from the House of Representatives (H.R. 4994) entitled ''An Act to amend the Internal Revenue Code of 1986 to reduce taxpayer burdens and enhance taxpayer protections, and for other purposes.'', do pass with the following amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare and Medicaid Extenders Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—EXTENSIONS

Sec. 101. Physician payment update.
Sec. 102. Extension of MMA section 508 reclassifications.
Sec. 103. Extension of Medicare work geographic adjustment floor.
Sec. 104. Extension of exceptions process for Medicare therapy caps.
Sec. 105. Extension of payment for technical component of certain physician pathology services.
Sec. 106. Extension of ambulance add-ons.
Sec. 107. Extension of physician fee schedule mental health add-on payment.
Sec. 108. Extension of outpatient hold harmless provision.
Sec. 109. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 110. Extension of the qualifying individual (QI) program.
Sec. 111. Extension of Transitional Medical Assistance (TMA).
Sec. 112. Special diabetes programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
Sec. 202. Repeal of delay of RUG–IV.
Sec. 203. Clarification for affiliated hospitals for distribution of additional residency positions.
Sec. 204. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
Sec. 205. Medicaid and CHIP technical corrections.
Sec. 206. Funding for claims reprocessing.
Sec. 207. Revision to the Medicare Improvement Fund.
Sec. 208. Limitations on aggregate amount recovered on reconciliation of the health insurance tax credit and the advance of that credit.
Sec. 209. Determination of budgetary effects.

TITLE I—EXTENSIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(12) UPDATE FOR 2011.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.''.

SEC. 102. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(2) SPECIAL RULE FOR FISCAL YEAR 2011.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 16, 2010 (75 Fed. Reg. 50042), and any subsequent corrections.

(B) EXCEPTION.—Beginning on April 1, 2011, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this subparagraph shall not be effected in a budget neutral manner.

(3) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2011.—

(A) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

(ii) the wage index applicable for such hospital for the period beginning on October 1, 2010, and ending on March 31, 2011, was lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(B) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under subparagraph (A) by not later than December 31, 2011.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

SEC. 103. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2011'' and inserting ''before January 1, 2012''.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''and ending on'' and all that follows through ''2010'' and inserting ''and ending on December 31, 2011''.

SEC. 105. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by striking ''and 2010'' and inserting ''2010, and 2011''.

SEC. 106. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''2011'' and inserting ''2012,''; and

(2) in each of clauses (i) and (ii), by striking ''January 1, 2011'' and inserting ''January 1, 2012'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of Public Law 111–148, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''2011'' and inserting ''2012''.

SEC. 107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 108. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2011''and inserting ''2012''; and

(B) in the second sentence, by striking ''or 2010'' and inserting ''2010, or 2011''; and

(2) in subclause (III), by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 109. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''the 1-year period beginning on July 1, 2010'' and inserting ''the 2-year period beginning on July 1, 2010''.

SEC. 110. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2010'' and inserting ''December 2011''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is $720,000,000; and

''(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is $280,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (N)'' and inserting ''(N), or (P)''.

SEC. 111. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 112. SPECIAL DIABETES PROGRAMS.

(1) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2011'' and inserting ''2013''.

(2) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2011'' and inserting ''2013''.

TITLE II—OTHER PROVISIONS

SEC. 201. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.''.

SEC. 202. REPEAL OF DELAY OF RUG–IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 203. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111–148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

''(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.''.

SEC. 204. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

SEC. 205. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (78).

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Section 1902(l)(2)(C) of the Social Security Act (42 U.S.C. 1396a(l)(2)(C)) is amended by striking ''133 percent'' and inserting ''100 percent (or, beginning January 1, 2014, 133 percent)''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if'';

(B) in subsection (a)(23), by striking ''(ii)'' and inserting ''(kk)'';

(C) in subsection (a)(77), by striking ''(ii)'' and inserting ''(kk)'';

(D) in subsection (ii)(2), as added by section 2303(a)(2) of Public Law 111–148, by striking ''(XV)'' and inserting ''(XVI)''; and

(E) by redesignating subsection (ii), as added by section 6401(b)(1)(B) of Public Law 111–148, as subsection (kk) and transferring such subsection so as to appear after subsection (jj) of that section.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) in subparagraph (D), as added by section 6401(c) of Public Law 111–148, by striking ''(ii)'' and inserting ''(kk)''; and

(B) by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 206. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of, or relating to, such title that ensure appropriate payment of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $200,000,000. Amounts appropriated under the preceding sentence shall be in addition to any other funds available for such purposes, shall remain available until expended, and shall not be used to implement changes to title XVIII of the Social Security Act made by Public Laws 111–148 and 111–152.

SEC. 207. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(B) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(B)) is amended by striking ''$550,000,000'' and inserting ''$275,000,000''.

SEC. 208. LIMITATIONS ON AGGREGATE AMOUNT RECOVERED ON RECONCILIATION OF THE HEALTH INSURANCE TAX CREDIT AND THE ADVANCE OF THAT CREDIT.

(a) IN GENERAL.—So much of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 as precedes clause (ii) thereof is amended to read as follows:

''(B) LIMITATION ON INCREASE.—

''(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table

(one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

''If the household income (expressed as a percent of poverty line) is:	*The applicable dollar amount is:*
Less than 200%	*$600*
At least 200% but less than 250%	*$1,000*
At least 250% but less than 300%	*$1,500*
At least 300% but less than 350%	*$2,000*
At least 350% but less than 400%	*$2,500*
At least 400% but less than 450%	*$3,000*
At least 450% but less than 500%	*$3,500''.*

(b) CONFORMING AMENDMENT.—Section 36B(f)(2)(B)(ii) of such Code is amended by inserting ''in the table contained'' after ''each of the dollar amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 209. DETERMINATION OF BUDGETARY EFFECTS.

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

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 101, is designated as an emergency for purposes of pay-as-you-go principles.

Amend the title so as to read: ''An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

TAX COMPROMISE

Mr. ALEXANDER. Mr. President, I was glad I had a chance to hear the Senators from Colorado and Oklahoma. I congratulate the Senator from Colorado on his reelection and look forward to working with him. He mentioned the importance of working across party lines. One area where we have the chance to do that, and where he can make an especially significant contribution, is in the area of fixing No Child Left Behind, the Elementary and Secondary Education Act. He has a lot of experience, earned the hard way on the ground, in that area. He is on the relevant committees, and I look forward to working with him.

Second, I join the Senator from Colorado in support for the tax plan agreed upon by the President and the Democratic and Republican leaders.

I have noticed that over the last two days, a large number of the news stories are about who wins and who gets political points for this tax agreement. I think the story is: the American people win. The focus of this Congress should be how to make it easier and cheaper to create private sector jobs. Virtually every economist who has come before us, either called by Democratic Senators or Republican Senators, has said raising taxes on anybody in the middle of an economic downturn makes it harder to create private sector jobs.

This tax agreement, which would stop the automatic increase of taxes for tens of millions of Americans, makes it easier and cheaper to create private sector jobs. So does the provision to provide 100 percent expensing for businesses. What that means is, companies that buy equipment in the next year can immediately deduct those costs. There is also a provision giving working people in this country during the next year a reduction by about one-third in what they pay on the payroll tax. That will mean these workers have more money in their pockets and perhaps they will spend it and perhaps that will help the economy grow as well.

In addition, there is the provision to give some certainty to the estate tax. Some want zero tax, some want 100 percent tax. But this comes to a common, reasonable decision for 2 years. No one on the Republican side of the aisle is completely happy with this agreement. We want the tax rates permanently extended where they are today or at least to not let them get higher. We believe that short-term decisions about taxes don't create the kind of certainty that does the best job of helping to create private sector jobs.

We welcome the fact that the President of the United States has accepted this as a part of an agreement, and at the same time, he has gotten the priority that he put a high goal on, which was the extension of unemployment compensation. Republicans don't like to see that passed in a way that adds to the debt. So we have some Democrats who don't like everything in the bill and also some Republicans who don't.

We have something we have not seen very much of for the last two years. Instead of ''we won the election, so we will write the bill,'' we have a different attitude: Let's sit down and talk and see what we can do for the good of the country. I think this will not only result in the tax bill being passed, I think it will result in it being accepted by the people of this country. I think it will help build confidence in our economic growth. I think it will help build confidence in the ability of our government to function and deal with big problems.

I congratulate the Democratic and Republican leaders of the Senate and the House and the President for bringing the agreement this far. We have a ways to go; it is not decided yet. But it is a good step in the right direction. Instead of scoring political points, for a change, I think we are trying to score some points for the American people. When they get their paychecks in the middle of January and see the lower withholding and when they find out the amount of taxes they are not going to have to pay in a tax increase, I think they are going to be grateful.

Today, I was thinking that a Tennessee small businessperson looking at next year might say: Well, they are not going to raise my taxes and take the money my company earned and give it to the government. Maybe I will spend some of that money to hire somebody or spend some of that money for new equipment since they will let me deduct those costs. Maybe I will go ahead and do that this year instead of over the next 2, 3, 4, or 5 years. Maybe that will help my business grow, and maybe I will hire somebody new.

Maybe it will say to the people who work at that company: I am going to have a little more money in my pocket, I will go out and spend it, and maybe I will buy some of the goods made in other small businesses and the economy will grow.

There is no doubt this adds to the deficit, but there are two ways to reduce the deficit. One is to reduce spending, which we must do. We have an opportunity to deal with that, as the Senator from Oklahoma talked about. The other way is to create new revenues, and the way you do that is economic growth.

This bill will help make it easier and cheaper to create private sector jobs. That is economic growth. That helps reduce the deficit.

I congratulate Senator COBURN, who spoke before the Senator from Colorado. Senator COBURN, Senator CRAPO, Senator GREGG, Senator CONRAD, and Senator DURBIN, the majority whip, all voted for the debt commission report. That was a courageous act on behalf of all five of them. It is one thing to go around the country saying we need to reduce the debt; it is another thing to take on a wide-ranging proposal that actually does that because it is very painful. You can't just say we are going to get rid of earmarks, which don't save a penny. You can't just say we are going to focus on discretionary spending, other than that which affects defense, which is 15 percent of the budget. You have to deal with things such as national defense and Social Security, and you have to deal with Medicare and Medicaid.

It is true the debt commission report didn't do as much on entitlements as I would like it to do. I am proud of the members of the commission. They have given us a serious proposal and I intend to take it seriously. I intend to do my best to support as many of its provisions as possible, so we can take a step forward, not just in creating private sector jobs but in attacking our other major goal, which is reducing spending so we can reduce the debt.

THE BAHA'I FAITH AND ABUSE OF ITS LEADERS IN IRAN

Mr. ALEXANDER. Mr. President, I have one other comment I would like to make while I am here. It involves the Baha'i faith and the abuse of its leaders in Iran.

I rise today to discuss an issue that some constituents of mine brought to

my attention when I was in Nashville this summer. We met to discuss the plight of the Baha'i in Iran.

The Baha'i faith was founded in Persia in 1844 and is one of the fastest growing religions in the world, with more than five million followers in more than 200 countries and territories. It is the largest non-Muslim religious community in Iran today.

Baha'i followers have been persecuted for their faith by the Iranian Government since their religion was established, but the frequency and severity of the persecutions has increased under the Presidency of Mahmud Ahmadi-Nejad. More than two years ago, a group of seven Baha'i leaders, often referred to as the ''Yaran'' or ''friends,'' were arrested. They were charged with pursuing propaganda activities against Islam and for spying on behalf of Israel. After more than two years of ''temporary'' confinement, the seven were tried in a closed court proceeding that did not meet even the minimum international standards for proper criminal procedure and protection of civil rights. The six men and one woman were each sentenced to 20 years in prison on August 8.

This is yet another example of the Iranian Government striking out against its own people. We saw violent examples of this in June of last year, when Iranian citizens began protesting the unfair Presidential election. Those who dare differ with the government face baseless charges, closed court proceedings, extremely harsh sentences, and possibly even death. The international community has expressed its outrage about the sentencing of this group, and Secretary of State Clinton issued a statement on August 12 that reaffirms our country's commitment to protecting religious freedom around the world, including that of the Baha'i in Iran.

This is more than a story from the other side of the world. There are more than 168,000 Baha'i in the United States. There are more than 2,000 in my home State of Tennessee. The men and women with whom I met in August have family members—fathers, mothers, sons, brothers, and in-laws—who have been arrested and imprisoned in Iran simply because of their faith. Their only request was that we, as Members of the United States Senate, continue to do all that we can to keep the spotlight on Iran and its persecution of peaceful citizens.

That is why I wanted to bring this matter to the attention of the Senate today. The United States has already imposed sanctions on Iran by enacting the Iran Sanctions Act. I hope by shining a spotlight on this extreme and continued abuse of peaceful adherence of the Baha'i faith by the Iranian Government, we can, No. 1, reaffirm our commitment to religious freedom around the world; and No. 2, make a little more uncomfortable the regime in Iran which perpetrates these crimes against its own people.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIKHAIL KHODORKOVSKY TRIAL

Mr. WICKER. Mr. President, in June of this year, I joined my friend and colleague, Senator BEN CARDIN, on the Senate floor to discuss an issue of great concern to both of us and to many Americans and to many advocates of freedom and the rule of law internationally. That issue is the ongoing trial in Russia of Mikhail Khodorkovsky and his business partner, Platon Lebedev.

This trial, or what Gary Kasparov writing for the Wall Street Journal called ''the latest judicial travesty,'' came to a close November 2. A decision by the court is expected on December 15.

Khodorkovsky was first arrested in 2003 and convicted in 2005. This trial was unfair and politically motivated according to Western human rights groups, Western media, and many other independent observers. There is broad opinion that this second trial has been staged, has not provided the opportunity to judge facts in a clear, impartial manner, and in general has not honored the rule of law.

I know this is not a jury trial. The finder of fact is a single judge. Many have claimed that this judge has come under both direct and indirect pressure in this case. In addition, the prosecution has used language in closing arguments as if a guilty verdict had already been rendered. Sadly, there seems to be little hope for a just verdict from this second trial, and now Khodorkovsky and Lebedev will face the prospect of many more years in jail. These men have already served 7 years in prison and paid an unjust price for a politically inspired campaign against them. They have sacrificed much of their lives, their freedoms, and their rights. It is time for both men to be set free and for justice to be served in Russia.

This case is broader than Khodorkovsky and Lebedev as individuals. It raises the question about whether there are truly independent functioning institutions in Russia. A guilty verdict would show that when Russian authorities want to, they can act above the law, as they did in the first trial. It would also underscore that property rights in Russia are meaningless, sending a chilling message to investors and businesses alike, both domestically in Russia and internationally. I fear we will see more cases where rights are violated and the legal process undermined.

Thankfully, it is becoming increasingly difficult for Russian authorities to hide the illegitimacy of the charges and the process. Government officials, human rights activists, journalists, and others continue to raise questions about the legitimacy of this trial.

Some might suggest that we in the Congress and we in America should refrain from commenting on cases in a sovereign nation's court system. I disagree. I do not think this is true when a nation's court system is clearly not independent and is being used to undermine the rule of law and fundamental democratic principles.

I have led efforts to support congressional resolutions and hearings to draw attention to specific issues about this case because I believe they are symbolic of broader and disturbing trends in Russia. I and other colleagues in the Senate will continue to do so.

As I said in June of this year:

> The United States stands behind those who call for freedom from tyranny and justice around the world. We must continue to stand with Mikhail Khodorkovsky and Platon Lebedev.

As a second flawed trial comes to conclusion, this is truer now than ever before. The international community will be closely watching the outcome of this case. I urge my colleagues, President Obama, and the administration to do the same. I hope Russia will choose the right path and somehow that justice will prevail in this infamous case.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

WELCOMING HIS EXCELLENCY BRONISLAW KOMOROWSKI

Mr. DURBIN. Mr. President, on April 10, 2010, as word spread of the tragic plane crash that killed President Lech Kaczynski, First Lady Maria Kaczynski, and scores of other Polish patriots, Poles gathered by the thousands outside St. John's Church in Warsaw, grieving for their terrible loss. That loss was also felt around the world. On that unspeakably sad day, I visited the Polish Consulate in Chicago to pay my respects. People were streaming to the consulate from all over Chicago and throughout the Midwest. They drove with Polish flags proudly displayed on their cars and waited in long lines to sign the condolence book, leave flowers, or simply whisper a prayer.

Days later, the U.S. Senate observed a moment of silence for all those who lost their lives in the Katyn Forest in Smolensk and for the heartbroken people of Poland. Some asked then: How will Poland survive such a devastating loss?

The people of Poland did so by relying, as they always have, on faith, family and freedom. On July 4, the Polish people chose their fourth democratically elected leader. Today, that leader, President Bronislaw Komorowski, is making his first visit as President of Poland to the United States. We are honored he is here.

Mr. Komorowski is a descendent of Polish nobility, a historian by training, and a lifelong freedom fighter. He took part in his first anti-Communist protests as a high school student in 1968. As a young man, he defied communist authorities by lighting candles and posting banners at the Katyn section of the historic Powazki Cemetery in Warsaw, the resting place of many Polish heroes. He served as Poland's defense minister in 2000 and 2001 and became Speaker of the Sejm, Poland's House of Representatives, in 2007. The day after he was elected President, President Obama invited him to visit the United States. The two Presidents are meeting in the White House today.

As a boy growing up in East St. Louis, IL, I knew without a doubt that the greatest man on Earth was the son of a Polish Immigrant to America. He was born Stanisław Franciszek Musiał, but America came to know and love him as Stan ''The Man'' Musial. He was the heart and soul of the St. Louis Cardinals of my youth and one of the best outfielders in baseball history.

In school, I learned that American history is, in fact, filled with Polish and Polish-American heroes—men and women who helped lift this country into what it is today.

Polish craftsmen were already hard at work helping to build the colony of Jamestown when the Pilgrims landed at Plymouth Rock. In 1619 when the Virginia House of Burgesses refused to extend to the Polish workers the ''rights of the Englishmen,'' including the right to vote, the Polish people began and won the first recorded strike in the New World.

More than a century and a half later, two valiant sons of Poland stepped forward and joined America in our effort to gain independence. Thaddeus Kosciuszko landed shortly after the signing of the Declaration of Independence and, upon learning of the document, decided that he must meet the author. He and Thomas Jefferson became friends. He built the United States Military Academy at West Point and helped lead American troops in their improbable and crucial early victories at the Battles of Saratoga and Ticonderoga. Years later, Thomas Jefferson called him ''as pure a son of liberty as I have ever known,'' and statues of him stand today at West Point and in Lafayette Square across from the White House.

Casimir Pulaski was drawn to the same idea of freedom and became a brigadier general in the Continental Army. He was the ''father of the US Cavalry,'' saved George Washington's Army at the Battle of Brandywine and gave his life for American independence at the Battle of Savannah. He has a statue in his honor here in Washington, DC, and is held in such high regard by my home State of Illinois that there is a statewide holiday so that all residents may pay their respects.

And when the time came for Poland to seek its freedom in 1989, the United States was at its side. It is astonishing to consider the changes that took place over these two decades. Poland today is a major force in Europe and a brave and indispensible leader in the effort to finish the work of making Europe whole, free and at peace with itself. Poland stood with its Baltic neighbors—including Lithuania, the land of my mother's birth—as they, too, have reached for democracy and freedom.

Poland's historic entry into NATO in 1999 has led to invaluable Polish contributions to peace and stability—not only in Europe, but around our world. Polish soldiers fought side-by-side with Americans in Iraq, standing with us even during the darkest days of that war. Today, more than 2,500 Polish soldiers are serving in Afghanistan, and Poland is leading a Provisional Reconstruction Team in one of the most dangerous and challenging areas in that nation. Poland has also agreed to allow a US missile defense base on its territory in order to help defend Europe from new security threats from those who may not share our values.

In 2004, Poland joined the European Union, symbolically ending the long and unjust Cold War division of Europe. As a member of the EU, Poland has also shown great leadership in its transition to a free market economy. Indeed, it is the only nation in Europe to have avoided a recession during the financial crisis, and its economy is growing faster than almost any other nation in Europe. Thirty years after the birth of Solidarity in the shipyards of Gdansk, Poland today is at the forefront of efforts to build a new cooperative relationship with Russia, while also helping other Central and Eastern European nations build up their own democratic institutions and market economies and find their rightful place in the new Europe.

The United States and Poland are connected by strong bonds of shared history and shared values. We are more than allies; we are family. More than 9 million Americans trace their roots to Poland. I am proud to represent Chicago, the most Polish city outside of Poland. Even today, there are neighborhoods in Chicago where you can scarcely walk a block without hearing someone speaking Polish. I am proud to welcome the President Komorowski, and I hope for the continued strong relationship between Poland and the United States for many years to come.

HONORING OUR ARMED FORCES

CORPORAL CHAD S. WADE

Mrs. LINCOLN. Mr. President, today I honor Corporal Chad S. Wade, 22, of Bentonville, AR, who died December 1 while conducting combat operations in Helmand province, Afghanistan.

My heart goes out to the family of CPL Wade who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the service and sacrifice of all of our military servicemembers and their families.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Americans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Corporal Wade was assigned to the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LEGISLATIVE INTENT—H.R. 2142

Mr. AKAKA. Mr. President, H.R. 2142, as amended, will modernize and refine key aspects of the Government Performance and Results Act, or GPRA, while keeping the statutory foundation established by the act in place. I was pleased to join Mr. LIEBERMAN, Ms. COLLINS, and Mr. VOINOVICH in cosponsoring the substitute amendment Mr. CARPER offered at the September 29, 2010, business meeting held by the Committee on Homeland Security and Governmental Affairs, and I strongly support the bill. I would, however, like to take this opportunity to clarify the intent of the legislation on a matter of great importance. Concerns have been raised that this legislation will prohibit Federal agencies from being assisted by non-Federal parties when preparing GPRA reports. It is my understanding that, in reporting favorably H.R. 2142, as amended, the committee chose not to change the language in GPRA that made the preparation of agency strategic plans, annual performance plans, or annual program performance reports an inherently governmental function. May I ask the Senator from Delaware, as the primary sponsor of the substitute amendment to H.R. 2142, to clarify the intent of the provisions contained in H.R. 2142, as amended, which address the issue of inherently governmental functions?

Mr. CARPER. My friend is correct. This bill will not change the language in GPRA statutes addressing inherently governmental functions. It merely extends existing GPRA standards to apply to the new requirements established by H.R. 2142, as amended, that did not exist in 1993, such as the Federal Government and agency priority goals, along with agency performance updates. As you know, in addressing the issue of inherently governmental functions, the Government Performance and Results Act of 1993 Report of the Committee on Governmental Affairs states:

> The preparation of an agency's or the Postal Service's strategic plan, annual performance plan, and annual program performance report under this Act are declared to be inherently governmental functions. In defining

these activities in this manner, the Committee was guided by the OMB policy letter of September 23, 1992, which established Executive Branch policy relating to service contracting and inherently governmental functions. This policy letter defined an ''inherently governmental function'' as a ''function that is so intimately related to the public interest as to mandate performance by Government employees.'' While this Act specifies that Government employees are solely to be responsible for the final plan or report, this does not limit agencies from being assisted by non-Federal parties, such as contractors or grantees, in the preparation of these plans and reports. This might be necessitated, for example, when there is a lack of in-house expertise within an agency. The assistance of non-Federal parties may include collection of information, the conduct of studies, analyses, or evaluations, or the providing of advice, opinions, or ideas to Federal officials, or to provide training of Federal employees. This assistance by non-Federal parties in the performance of inherently governmental functions is also consistent with the OMB policy letter. The Committee also recognizes that many Federal programs are carried out by States, local governments, and contractors-not by the Federal Government directly. Federal agencies regularly rely on these parties for performance data, and the Committee neither intends nor expects existing systems, processes, and requirements for measuring current or past performance, or which propose or forecast future performance levels to be duplicated by new parallel efforts involving only Federal employees. Finally, the Committee notes that it is the longstanding policy of the Federal Government that Federal officials should perform the decision and/or policymaking and managerial responsibilities of the government. The basic principle is that accountable Federal employees should not only be responsible for the ''products'' produced by their agencies (whether contractors or Federal employees produced the product) but also should be involved in a significant manner in the ''process'' of formulating the product. Thus, agencies are not fulfilling the intent of this legislation if the required plans and reports are largely the products of contractors. To further this need for accountability, agencies should include in their plans and reports an acknowledgment of the role and a description of a significant contribution made by a contractor or other non-Federal entity to the plan or report.

In repeating the inherently governmental functions language of GPRA in H.R. 2142, as amended, the intent of H.R. 2142, as amended, is exactly the same as the intent of the identical language in GPRA, which I previously quoted. My remarks reflect the views of the Homeland Security and Governmental Affairs Committee on the interpretation of this provision. This explanation will be included in the committee's written report on the legislation that will be filed shortly.

Mr. AKAKA. I thank the gentleman from Delaware for his clarification.

CLAIMS RESOLUTION ACT

Mr. BINGAMAN. Mr. President, I rise today to commemorate President Obama's signing of the historic Claims Resolution Act of 2010. The act contains measures that resolve long-standing claims against the United States including claims relating to three Indian water rights adjudication cases in New Mexico. In addition, the act provides significant funding to implement the settlement agreements. The signing of the Claims Resolution Act of 2010 represents a significant achievement for the people of New Mexico.

I would like to express my gratitude to the many New Mexicans who have worked on these settlement agreements over many years. I would also like to commend the Obama administration for its efforts to engage with the settlement parties to finalize the settlements in ways that will strengthen the relationship between the Federal Government and the tribes and protect the non-Indian residents in the settlement areas. Having the full support of the administration was a very important part of our success.

The Aamodt and Abeyta settlements represent agreements that end longstanding litigation and provide numerous benefits that could never have been possible through the courts. The funding we have provided will ensure that the projects can move forward quickly. It is my hope that the settlement parties will continue to make swift progress toward implementation so that the Pueblo and non-Pueblo residents of Taos and the Pojoaque Valley will soon have access to more secure drinking water and improved ligation systems. In addition, the $180 million in funding provided for the Navajo settlement will expedite the construction necessary to bring drinking water to Navajo citizens who currently haul water to their homes from watering stations many miles away. The Navajo-Gallup project will also provide water to the city of Gallup and the Jicarilla Apache Tribe. I am pleased the Bureau of Reclamation's planning for the project is well underway and that construction may commence as early as 2012, providing hundreds of jobs for New Mexicans for years to come.

The Aamodt case involves the water rights claims of the Nambe, Pojoaque, San Ildefonso, and Tesuque Pueblos in the Rio Pojoaque stream system north of Santa Fe. It is my understanding that the case, which was filed in 1966, is the longest active Federal case in the country. The Aamodt settlement represents an agreement that quantifies the present and future water rights of the four Pueblos involved in the litigation. The settlement also protects the interests and water rights of non-Indian water users, including the historic acequias irrigation systems that have existed for centuries. The Aamodt settlement will bring new water into the basin for municipal and domestic needs for Pueblo and non-Pueblo residents throughout the Pojoaque basin. I commend the Aamodt settlement parties for their commitment to the negotiation process which will provide benefits to the basin for generations to come.

The Abeyta settlement resolves Taos Pueblo's water rights claims in the Rio Pueblo de Taos stream system. The Abeyta adjudication case is also over 40 years old and the settlement parties have been working toward this result for decades. I commend them for their hard work and dedication. The Abeyta settlement will quantify the water rights of Taos Pueblo and will protect the interests of the other citizens throughout the Taos region. The Abeyta settlement provides for the construction of mutually beneficial projects designed to modernize water infrastructure and protect historic landscapes. The settlement will help to preserve the region's historic irrigation systems and provide security to domestic water users as well.

The Aamodt and Abeyta settlements represent fair and reasonable conclusions to protracted, contentious litigation. They are the product of countless hours of hard work and determination. Numerous individuals have worked on these issues for decades like Nelson Cordova, Gil Suazo, Palemon Martinez and John Painter in the Taos Valley and David Ortiz, Maxine Goad, Herbert Yates, Ernest Mirabal, Charlie Dorame, James Hena, Perry Martinez, and George Rivera from the Aamodt case. I am grateful to those individuals and the many others who made these settlements possible. I would like to provide a special acknowledgment to Michael Connor, the Commissioner of Reclamation, for his longstanding commitment to resolving Indian water rights claims in ways that promote sound federal policy and fairness to the parties involved. Finally, I would like to recognize both Tanya Trujillo, my water expert on the Committee on Energy and Natural Resources, and Trudy Vincent, my legislative director, for their wise counsel and hard work in passing this important legislation.

Thank you for the opportunity to make these remarks.

PRESERVING CRIMINAL ASSETS FOR FORFEITURE ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak in support of S. 4005, the Preserving Criminal Assets for Forfeiture Act of 2010, which I recently introduced with my distinguished colleague Senator CORNYN. This bill will help keep the proceeds and instrumentalities of crime out of the hands of foreign criminals. It will also encourage foreign countries to assist the United States in recovering the overseas assets of U.S. criminals.

The U.S. Government is currently authorized to assist foreign nations seeking to enforce their forfeiture judgments, for example by seizing the proceeds of large-scale international fraud, drug trafficking, or money laundering. Recent judicial decisions, however, have interpreted existing statutes as not providing our courts with the authority to restrain known criminal assets located in the U.S. prior to the issuance of a foreign forfeiture judgment. Criminals are therefore able to move and hide the assets they hold in

the United States as soon as they find out they will be subject to foreign forfeiture proceedings, or even while the proceedings are ongoing. This leaves U.S. courts with no property to freeze once the foreign forfeiture judgment is entered.

Because of this hole in the law, foreign criminals have already been able to shield hundreds of millions of dollars worth of ill-gotten property, allowing them to continue their criminal enterprises and frustrating the efforts of law enforcement. In recent months alone, our government has been unable to restrain more than $550 million that had been identified for forfeiture by foreign governments in connection with criminal investigations and prosecutions. This money will remain a continuing resource for criminal organizations, allowing them to fund extensive additional criminal activity, some of which may well target Americans.

The U.S. Government's lack of authority to preserve criminal assets in advance of a foreign forfeiture judgment also threatens the cooperation we receive from foreign nations in our own criminal cases. The United States regularly seeks our allies' assistance in issuing prejudgment restraints to preserve the ill-gotten assets of U.S. criminals who have hidden their proceeds overseas. For example, in April of this year, Panama repatriated approximately $40 million in gold and jewelry from a drug money laundering case, which had been restrained there for years at our request. The forfeited assets will be liquidated, with the final proceeds from those sales placed into the Department of Justice's assets forfeiture fund, and used to enhance future domestic and international criminal investigations and law enforcement initiatives. As another example, in the major international fraud case involving Allen Stanford, Switzerland, the United Kingdom, and Canada have restrained a combined $400 million on behalf of the United States pursuant to our forfeiture proceedings.

Comparable future forfeitures could be in jeopardy because, before executing a request from the United States, most countries require assurances of reciprocity. In fact, a number of these reciprocity agreements are codified in treaties. If we fail to provide our government with authority to restrain assets pending foreign forfeiture judgments, we may ultimately enable criminal organizations in the United States to dissipate foreign assets that should be subject to U.S. forfeiture proceedings. That puts at risk hundreds of millions of dollars in criminal proceeds that may not be able to be returned to fraud victims or that criminals will reinvest in drug trafficking offenses or other crimes that affect our communities.

The bipartisan Preserving Criminal Assets for Forfeiture Act of 2010 will fix these problems by preventing criminals from removing illicit assets from the United States during the pendency of foreign forfeiture proceedings. The bill would amend 28 U.S.C. § 4267(d)(3) to clarify that U.S. courts have the power to issue restraining orders freezing the proceeds and instrumentalities of foreign criminals until foreign forfeiture proceedings have concluded. In doing so, the legislation brings the treatment of international criminals' assets in line with that of domestic criminals.

The bill includes due process protections analogous to those used for restraining orders in anticipation of domestic forfeiture judgments, to make sure that only criminal assets are targeted. It also requires the U.S. court to ensure that the relevant foreign tribunal observes due process protections, has subject matter jurisdiction, and is not acting as a result of fraud.

The bill is supported by the Department of Justice, and I thank the attorneys of the Department for their expert advice on this legislation. I also particularly thank Senator CORNYN for his leadership on this issue. It has been a great pleasure to work with him in introducing this legislation. I urge our colleagues on both sides of the aisle to join with us to enact this much needed bill into law.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD GOLDMAN

• Mrs. BOXER. Mr. President, it is with a heavy heart that I ask my colleagues to join me today in honoring the memory of Richard Goldman, a visionary philanthropist and extraordinary civic leader. Richard was a successful businessman whose dedication to his global community improved the lives of millions. Richard passed away peacefully at his home in San Francisco on November 29, 2010. He was 90 years old.

Richard Goldman was born on April 16, 1920, in San Francisco, CA. He grew up just down the street from his future wife, Rhoda Haas. Richard attended the University of California at Berkeley before serving 4 years in the U.S. Armed Forces. In 1946, Richard returned to San Francisco and shortly thereafter reconnected with Rhoda, a descendant of Levi Strauss, who served on the board of directors of both the apparel company and the Levi Strauss Foundation. Richard and Rhoda were married within the year.

In 1949, Richard founded Goldman Insurance Services, a major San Francisco brokerage firm that was sold to Willis Insurance in 2001. In 1951, Goldman and his wife Rhoda Haas Goldman created the Goldman Fund, which has since then given more that half a billion dollars to a range of philanthropic causes in the bay area, nationally, and internationally. The Goldman Fund recently made a $10,000,000 grant to the San Francisco Symphony and a $3,600,000 grant to the Golden Gate National Parks Conservancy for the restoration of Lands End, a 1.6-mile coastal hiking trail with views of the Golden Gate Bridge and the Marin Headlands. The Goldmans focused their philanthropic efforts on the arts, cultural institutions, Jewish affairs, and of course, the environment.

As an expression of their lifelong commitment to environmental protection, Richard and Rhoda launched the Goldman Prize in 1990. Each year, up to seven individuals from each of the six inhabited continental regions of the world are selected to receive the $150,000 prize. Goldman Environmental Prize winners are announced each year in April, to coincide with Earth Day. Recipients participate in a 10-day tour of San Francisco and Washington, DC; an award ceremony in each city; and many opportunities to meet with elected and environmental leaders, news media, and other dignitaries. In addition to financial support, the prize provides invaluable opportunities for prize winners to raise awareness about the issue they are combating, and attract worldwide visibility for the work they're doing to address it. The prize has always been intended to honor grassroots environmental heroes who are involved in local efforts to protect the world's precious natural resources.

Richard and Rhoda created an environmental legacy that has reached all corners of the globe. The Goldman Prize has been awarded to a range of activists around the world from Swaziland to Romania, working on issues from shark finning to uranium mining. It has become the world's largest prize program for grassroots environmental activists, attracting intense international media attention. The Goldman Environmental Prize has a lasting impact; recipients continue their work long after the award ceremonies have ended and the public spotlight has dimmed. Many have gone on to win election or appointment to public office or to expand the reach and impact of their work in other ways. The 1991 Goldman Prize winner from Africa, Wangari Maathai, became the first African woman to win the Nobel Peace Prize. In 2004, Ms. Matthai won the Nobel for her dedication to the environment, human rights, and peace.•

TRIBUTE TO BAILEY JEAN CARLSEN

• Mr. THUNE. Mr. President, today I recognize Bailey Jean Carlsen, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Bailey is a graduate of Roncalli High School in Aberdeen, SD. Currently, she is attending Drake University, where she is majoring in sociology and law, and politics and society. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Bailey for

all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO EDWARD M. HILL

● Mr. THUNE. Mr. President, today I recognize Edward M. Hill, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Edward is a graduate of Rapid City Central High School in Rapid City, SD. Currently, he is attending Georgetown University, where he is majoring in international politics and security studies. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Edward for all of the fine work he has done and wish him continued success in the years to come.●

TRIBUTE TO KATHERINE WAGNER

● Mr. THUNE. Mr. President, today I recognize Katherine Wagner, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Katherine is a graduate of Spearfish High School in Spearfish, SD. Currently, she is attending the University of South Dakota, where she is majoring in political science and mass communications. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katherine for all of the fine work she has done and wish her continued success in the years to come.●

TRIBUTE TO TRACY ROGERS ZEA

● Mr. THUNE. Mr. President, today I recognize Tracy Rogers Zea, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Tracy is a graduate of Seton Catholic High School in Chandler, AZ. He is a recent graduate of South Dakota State University, where he majored in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Tracy for all of the fine work he has done and wish him continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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 12:31 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6400. An act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office''.

The message also announced that the House has passed the following bills, without amendment:

S. 3789. An act to limit access to Social Security account numbers.

S. 3987. An act to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 267. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of their declarations on the restoration of independence from the Soviet Union.

At 3:30 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. 3817. An act to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

ENROLLED BILLS SIGNED

At 5:32 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2480. An act to improve the accuracy of fur product labeling, and for other purposes.

H.R. 3237. An act to enact certain laws relating to national and commercial space programs as title 51, United States Code, ''National and Commercial Space Programs''.

H.R. 6184. An act to amend the Water Resources Development Act of 2000 to extend and modify the program allowing the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits, and for other purposes.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6400. An act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 267. Concurrent resolution congratulating the Baltic nations of Estonia, Latvia, and Lithuania on the 20th anniversary of the reestablishment of their full independence from the Soviet Union; to the Committee on Foreign Relations.

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–8364. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Restrictions on the Use of Mandatory Arbitration Agreements'' (DFARS Case 2010–D004) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Armed Services.

EC–8365. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Restriction on Ball and Roller Bearings'' (DFARS Case 2006–D029) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Armed Services.

EC–8366. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the expenditure of funds to design the OHIO Replacement SSBN with the flexibility to accommodate female crew members; to the Committee on Armed Services.

EC–8367. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–8368. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Electronic Funds Transfer of Depository Taxes'' (RIN1545–BJ13) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC–8369. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification to the Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Section 409A(a)'' (Notice 2010–80) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC–8370. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled ''Extension of Deadline to Adopt Certain Retirement Plan Amendments'' (Notice 2010–77) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC–8371. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cost Limitations for Expensing IRC Section 179 Property'' (Rev. Proc. 2010–47) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Finance.

EC–8372. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed permanent export license for the export of defense articles, to include technical data, related to the export of discontinued rifles to be returned to the manufacturer in Brazil in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–8373. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the design, manufacture, marketing and sale of High-G Military Accelerometers; to the Committee on Foreign Relations.

EC–8374. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to the Netherlands for the Manufacture of Dayside CCD Cameras, Lower Arm Support Assemblies and CCA Test Stations; to the Committee on Foreign Relations.

EC–8375. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Kuwait for the manufacture, assembly, test and sale of 25mm weapon stations for integration with Pandur 6x6 vehicles in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–8376. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services to Israel for the manufacture of F–15 parts, spares, and associated tooling for end use by the Republic of Korea and the United States in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–8377. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of select T700 engine components for the SH–60 Helicopter for the Armed Forces of Japan in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–8378. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, to include technical data, and defense services for the manufacture of Control Actuation Systems for the Guided Multiple Launch Rocket System (GMLRS) Program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–8379. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services to support military and security training activities for the Government of Afghanistan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–8380. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services for the Programmable Display Generator for the F–2 aircraft of the Japanese Ministry of Defense in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–8381. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, to include technical data, and defense services relating to the development and demonstration of lightweight small arms technologies for the United Kingdom Ministry of Defence in the amount of $1,000,000 or more; to the Committee on Foreign Relations.

EC–8382. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services to support the nuclear-based Flash Radiography Sources for the United Kingdom in support of its nuclear weapons program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–8383. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, to include technical data, and defense services for the development, production and test of the APS–508 Radar System for the CP–140 Aircraft Program in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–8384. A communication from the Director, Employee Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Absence and Leave; Sick Leave'' (RIN3206–AL91) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8385. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to unvouchered expenditures; to the Committee on Homeland Security and Governmental Affairs.

EC–8386. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report entitled ''Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8387. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, a report entitled ''Performance and Accountability Report Fiscal Year 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–8388. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8389. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the 43rd report on audit final action by management; to the Committee on Homeland Security and Governmental Affairs.

EC–8390. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010 and the Attorney General's Semi-Annual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–8391. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8392. A communication from the Chair of the U.S. Election Assistance Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8393. A communication from the Chairman, Board of Governors, U.S. Postal Service, transmitting, pursuant to law, the Semi-annual Report on the Audit, Investigative, and Security Activities of the U.S. Postal Service for the period of April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8394. A communication from the Secretary of the Department of Education, transmitting, pursuant to law, the Semi-annual Report from the Office of the Inspector General for the period from April 1, 2010 through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–8395. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expenditures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

EC–8396. 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 ''Implementation of Regional Fishery Management Organizations' Measures Pertaining to Vessels That Engaged in Illegal, Unreported, or Unregulated Fishing Actives'' (RIN0648–AW09) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8397. A communication from the Deputy Assistant Administrator for Regulatory

Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Community Development Program Process'' (RIN0648–AX76) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

EC–8398. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program; Correction'' (RIN0648–AY68) received in the Office of the President of the Senate on December 7, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 3648. A bill to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program (Rept. No. 111–357).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 4016. An original bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia Basin Restoration Program (Rept. No. 111–358).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2902. A bill to improve the Federal Acquisition Institute.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Scott C. Doney, of Massachusetts, to be Chief Scientist of the National Oceanic and Atmospheric Administration.

*Mario Cordero, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 2014.

*Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2015.

*Coast Guard nominations beginning with Captain Bruce D. Baffer and ending with Captain Fred M. Midgette, which nominations were received by the Senate and appeared in the Congressional Record on September 20, 2010.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Gregory J. Hall and ending with Joseph T. Benin, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

*Coast Guard nomination of Andrew C. Kirkpatrick, to be Lieutenant.

*Coast Guard nominations beginning with Julia A. Hein and ending with Susan L. Subocz, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2010.

*Coast Guard nominations beginning with Thomas Allan and ending with Aylwyn S. Young, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2010.

*Coast Guard nominations beginning with Joseph B. Abeyta and ending with David K. Young, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 2010.

*Coast Guard nominations beginning with Stephen Adler and ending with Scott A. Woolsey, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Denise J. Gruccio and ending with Lindsay R. Kurelja, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2010.

By Mr. LEAHY for the Committee on the Judiciary.

Max Oliver Cogburn, Jr., of North Carolina, to be United States District Judge for the Western District of North Carolina.

Marco A. Hernandez, of Oregon, to be United States District Judge for the District of Oregon.

Steve C. Jones, of Georgia, to be United States District Judge for the Northern District of Georgia.

Michael H. Simon, of Oregon, to be United States District Judge for the District of Oregon.

Patti B. Saris, of Massachusetts, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2015.

Dabney Langhorne Friedrich, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2015.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. VITTER (for himself and Mr. BARRASSO):

S. 4015. A bill to provide for the establishment, on-going validation, and utilization of an official set of data on the historical temperature record, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 4016. An original bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia Basin Restoration Program; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. LEMIEUX:

S. 4017. A bill to amend the CDBG service cap; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio:

S. Res. 697. A resolution recognizing the 15th anniversary of the Dayton Peace Accords; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2900

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2900, a bill 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. 3234

At the request of Mrs. MURRAY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3572

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. AKAKA) 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. 3737

At the request of Mr. HARKIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3860

At the request of Mrs. MCCASKILL, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3959

At the request of Mrs. MCCASKILL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3959, a bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act.

S. 3960

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3960, a bill to prevent harassment at institutions of higher education, and for other purposes.

S. 3979

At the request of Mr. BROWN of Ohio, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3979, a bill to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure.

AMENDMENT NO. 4626

At the request of Mr. UDALL of Colorado, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of amendment No. 4626 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 697—RECOGNIZING THE 15TH ANNIVERSARY OF THE DAYTON PEACE ACCORDS

Mr. BROWN of Ohio submitted the following resolution; which was considered and agreed to:

S. RES. 697

Whereas on December 14, 1995, the Dayton Peace Accords established peace and ended the war on the Balkan Peninsula in which more than 2,000,000 people were displaced and thousands were killed;

Whereas peace treaty negotiations began November 1, 1995, at Wright-Patterson Air Force Base in Dayton, Ohio, and concluded there on November 21, 1995, when Bosnia and Herzegovina, Croatia, and Serbia agreed to settle all war conflicts;

Whereas after 21 days of negotiations, the peace treaty negotiations successfully concluded with a peace treaty that was accepted by all parties;

Whereas the Dayton, Ohio, community provided outstanding security during the peace treaty negotiations;

Whereas the conclusion of the Dayton Peace Accords was a successful effort of the North Atlantic Treaty Organization led by the United States, with outstanding cooperation from the Russian Federation, Germany, France, and the United Kingdom;

Whereas the Dayton Peace Accords were the result of, and showed the success of, strong joint North Atlantic Treaty Organization efforts to promote and establish peace, security, and prosperity;

Whereas the signatories to the Dayton Peace Accords made a commitment to fully respect human rights and the rights of refugees and displaced persons;

Whereas the Dayton Peace Accords transformed Bosnia and Herzegovina from a country mired in a war based on ethnic and religious differences into a country engaged in an intense, but peaceful, struggle over the manner by which to form an independent and stable country;

Whereas the United States Agency for International Development and other bilateral and multilateral agencies and organizations made large investments to build a strong and independent media in Croatia, Serbia, and Bosnia and Herzegovina;

Whereas the Dayton International Peace Museum honors the Dayton Peace Accords and offers nonpartisan educational programs and exhibitions featuring the themes of nonviolent conflict resolution, social justice, international relations, and peace;

Whereas the people of the State of Ohio and the Dayton region facilitated and strongly supported the implementation of the Dayton Peace Accords, as well as promoted the peaceful democratization of the deeply divided country of Bosnia and Herzegovina;

Whereas stability and prosperity were fostered by the State of Ohio through the establishment of an exemplary relationship between the Ohio National Guard and the Armed Forces of Serbia;

Whereas the Dayton Literary Peace Prize, established in 2006, remains the only literary peace price in the United States and follows the legacy of the 1995 Dayton Peace Accords by acknowledging writers who advance peace through literature;

Whereas the city of Dayton and the city of Sarajevo have built a solid relationship as Sister Cities, and many other organizations in the region, such as the University of Dayton and the Friendship Force, have built strong relationships with the people of Bosnia and Herzegovina through programs and exchanges; and

Whereas while progress remains to be made in refining the governance structures of Bosnia and Herzegovina, the Dayton Peace Accords successfully established peace, restored human dignity, and laid the foundation for future progress in Bosnia and Herzegovina: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 15th anniversary of the Dayton Peace Accords;

(2) acknowledges the challenges Bosnia and Herzegovina still face and commends the socioeconomic and political progress that is being made in Bosnia and Herzegovina;

(3) encourages the Government of Bosnia and Herzegovina to adhere to the membership requirements of the North Atlantic Treaty Organization so that Bosnia and Herzegovina may join the alliance without delay;

(4) encourages the further integration and cooperation of European countries with the goal of establishing peace and economic prosperity for all of the people of Europe;

(5) renews the commitment of the United States to support the people of Bosnia and Herzegovina;

(6) urges the continuation of constitutional reforms, market-based economic growth, and improved dialogue between the people of Bosnia and Herzegovina and the elected Government of Bosnia and Herzegovina; and

(7) encourages the United States Air Force to take appropriate measures to provide historical interpretation of the site of the Dayton Peace Accords to educate the public on the historical significance of the Dayton Peace Accords and the importance of negotiation in world peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4740. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4741. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4742. Mr. BENNET (for Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.

SA 4743. Mr. BENNET (for Mr. REID) proposed an amendment to the bill H.R. 4994, supra.

SA 4744. Mr. REID (for Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY)) proposed an amendment to the bill H.R. 4337, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

SA 4745. Mr. REID (for Mr. CARPER) proposed an amendment to the bill S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes.

TEXT OF AMENDMENTS

SA 4740. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate end of subtitle B of title X, add the following:

SEC. 1012. REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.

(a) IN GENERAL.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167–09–BAA–01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this section, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, $20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (b) during such fiscal year.

(b) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed $999,999,999.

(c) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (b) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(d) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (b) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

SA 4741. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 126. ADDITIONAL COMBAT SHIP MATTERS.

(a) MODIFICATIONS TO LITTORAL COMBAT SHIP PROGRAM AUTHORITY.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2211) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems'' and inserting ''20 Littoral Combat Ships (LCS), including ship control and weapon systems,''; and

(ii) by striking ''a contract'' and inserting ''one or more contracts''; and

(B) in paragraph (2)—

(i) by striking ''A contract'' and inserting ''Any contract''; and

(ii) by striking ''liability to'' and inserting ''liability of'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a procurement'' and inserting ''any contract''; and

(B) in paragraph (2)—

(i) by striking ''a Littoral'' and inserting ''any Littoral''; and

(ii) in subparagraph (A), by striking ''a second shipyard, as soon as practicable'' and inserting ''another shipyard to build to a design specification for that Littoral Combat Ship''; and

(3) in subsection (c)(1), by striking ''awarded to a contractor selected as part of a procurement'' and inserting ''under any contract''.

(b) REPLACEMENT COMBAT LOGISTICS FORCE UNDERWAY REPLENISHMENT SHIP CAPABILITIES FOR THE NAVY ON A COMMERCIAL FEE-FOR-SERVICE BASIS.—

(1) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program, in response to Naval Surface Warfare Center Carderock Division Combat Logistics Force Energy Saving Program, BAA N000167–09–BAA–01, to obtain replacement combat logistics force underway replenishment ship capabilities for the Navy on a commercial fee-for-service basis.

(2) DETERMINATION OF REPLACEMENT SHIPS REQUIRED.—As part of the program required by this subsection, the Secretary—

(A) shall determine an initial number of fleet oiler ships to be constructed, leased, or both under the program to meet anticipated demands of the Navy for combat logistics force underway replenishment ships; and

(B) may from time to time determine an additional number of fleet oiler ships to be constructed, leased, or both for such purpose.

(3) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for research, development, test, and evaluation by section 201 and available for the Navy as specified in the funding table in section 4201, $20,000,000 shall be available for contractor activities for phase 1 (detailed combat logistics force fee-for-service performance requirements specification and detailed feasibility study reflecting such performance requirements) and phase 2 (completion of adequate development work to support contractor delivery of a fixed-price multi-year fee-for service proposal, consistent with this section and with sufficient detail and cost definition support to meet government contracting requirements) of the program required by this section. Such funds shall be available for that purpose without fiscal year limitation.

(4) BUDGETING.—The budget of the President for each fiscal year after fiscal year 2011 (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify the funds to be required in such fiscal year for the program required by this section, including amounts to be required for the following:

(A) The capital costs to be incurred in such fiscal year in connection with national defense features or modifications of fleet oiler ships constructed or leased under phase 3 of the program.

(B) The costs of executing multi-year contracts authorized by subsection (c) during such fiscal year.

(c) MULTIYEAR CONTRACTS TO OBTAIN REPLENISHMENT SUPPORT USING SHIPS CONSTRUCTED UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of the Navy may not enter into one or more

multiyear contracts for the purpose of obtaining combat logistics force underway replenishment support for the Navy using ships constructed or leased under the program on a commercial fee-for-service basis unless an appropriation is provided in advance specifically for all obligations to be made under the contract, including any obligations for payments to be made in years after the year in which the contract is entered into, any obligations for payments for early cancellation of the contract, and any obligations for payments for the exercise of contract options.

(2) ELEMENTS.—Each contract under this subsection shall provide for payment by the United States of the following:

(A) The operational cost of combat logistics force underway replenishment support provided the Navy by the ship or ships covered by the contract.

(B) The costs of any national defense features or modifications on the ship or ships covered by the contract, which costs shall be paid in full through equal monthly installments under the contract over a number of months (not to exceed 60 months) beginning on or after the date on which the Navy certifies that the ship or ships covered by the contract are qualified and meet Navy standards to provide combat logistics force underway replenishment support for the Navy.

(3) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under this subsection shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(A) notwithstanding subsection (b) of such section, the combat logistics force underway replenishment support for the Navy to be obtained under the contract shall be treated as services to which the authority in subsection (a) of such section applies;

(B) the term of the contract may not be more than eight years; and

(C) notwithstanding subsections (d) and (e) of such section—

(i) the contract may not be entered into unless amounts necessary to cover all costs of cancellation of the contract are appropriated before the contract is entered into; and

(ii) funds appropriated in advance for performance of the contract shall be the only funds available for costs of cancellation of the contract.

(4) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under this subsection shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(A) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining combat logistics force underway replenishment support for the Navy; and

(B) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(5) LIMITATION ON AMOUNT.—The amount of any contract (including any options) under this subsection may not exceed $999,999,999.

(d) PREFERENCE FOR FINANCING UNDER FEDERAL SHIP FINANCING PROGRAM.—A contractor seeking financing for a ship whose principal service will be the provision of combat logistics force underway replenishment support for the Navy under a contract under subsection (c) shall be given approval preference by the Secretary of Transportation for the Federal Ship Financing Program under chapter 537 of title 46, United States Code.

(e) GOVERNMENT WAR RISK INSURANCE.—A contractor with the Navy under subsection (c) shall be eligible for Government-provided war risk insurance for the ship or ships covered by the contract in accordance with chapter 539 of title 46, United States Code, with the following exceptions:

(1) With regard to section 53902(a) of such title, the Secretary of the Navy may act for the Secretary of Transportation in approving the issuance of such insurance.

(2) While an insured ship is completely dedicated to the provision of combat logistics force underway replenishment support for the Navy, the insurance may be issued as agency insurance in accordance with section 53905 of such title.

SA 4742. Mr. BENNET (for Mr. REID (for himself, Mr. MCCONNELL, Mr. BAUCUS, and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare and Medicaid Extenders Act of 2010''.

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

Sec. 1. Short title; table of contents.

TITLE I—EXTENSIONS

Sec. 101. Physician payment update.
Sec. 102. Extension of MMA section 508 reclassifications.
Sec. 103. Extension of Medicare work geographic adjustment floor.
Sec. 104. Extension of exceptions process for Medicare therapy caps.
Sec. 105. Extension of payment for technical component of certain physician pathology services.
Sec. 106. Extension of ambulance add-ons.
Sec. 107. Extension of physician fee schedule mental health add-on payment.
Sec. 108. Extension of outpatient hold harmless provision.
Sec. 109. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 110. Extension of the qualifying individual (QI) program.
Sec. 111. Extension of Transitional Medical Assistance (TMA).
Sec. 112. Special diabetes programs.

TITLE II—OTHER PROVISIONS

Sec. 201. Clarification of effective date of part B special enrollment period for disabled TRICARE beneficiaries.
Sec. 202. Repeal of delay of RUG–IV.
Sec. 203. Clarification for affiliated hospitals for distribution of additional residency positions.
Sec. 204. Continued inclusion of orphan drugs in definition of covered outpatient drugs with respect to children's hospitals under the 340B drug discount program.
Sec. 205. Medicaid and CHIP technical corrections.
Sec. 206. Funding for claims reprocessing.
Sec. 207. Revision to the Medicare Improvement Fund.
Sec. 208. Limitations on aggregate amount recovered on reconciliation of the health insurance tax credit and the advance of that credit.
Sec. 209. Determination of budgetary effects.

TITLE I—EXTENSIONS

SEC. 101. PHYSICIAN PAYMENT UPDATE.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

''(12) UPDATE FOR 2011.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), and (11)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2011, the update to the single conversion factor shall be 0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraph (A) had never applied.''.

SEC. 102. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and sections 3137(a) and 10317 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(2) SPECIAL RULE FOR FISCAL YEAR 2011.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of implementation of the amendment made by paragraph (1), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2011, the Secretary of Health and Human Services shall use the hospital wage index that was promulgated by the Secretary of Health and Human Services in the Federal Register on August 16, 2010 (75 Fed. Reg. 50042), and any subsequent corrections.

(B) EXCEPTION.—Beginning on April 1, 2011, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this subparagraph shall not be effected in a budget neutral manner.

(3) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2011.—

(A) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(i) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by paragraph (1); and

(ii) the wage index applicable for such hospital for the period beginning on October 1, 2010, and ending on March 31, 2011, was lower than for the period beginning on April 1, 2011, and ending on September 30, 2011, by reason of the application of paragraph (2)(B);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(B) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under

subparagraph (A) by not later than December 31, 2011.

(b) CONFORMING AMENDMENT.—Section 117(a)(3) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended by inserting ''in fiscal years 2008 and 2009'' after ''For purposes of implementation of this subsection''.

SEC. 103. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2011'' and inserting ''before January 1, 2012''.

SEC. 104. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''and ending on'' and all that follows through ''2010'' and inserting ''and ending on December 31, 2011''.

SEC. 105. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), and section 3104 of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by striking ''and 2010'' and inserting ''2010, and 2011''.

SEC. 106. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking ''2011'' and inserting ''2012,''; and

(2) in each of clauses (i) and (ii), by striking ''January 1, 2011'' and inserting ''January 1, 2012'' each place it appears.

(b) AIR AMBULANCE.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by sections 3105(b) and 10311(b) of Public Law 111–148, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended by striking ''2011'' and inserting ''2012''.

SEC. 107. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), as amended by section 3107 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 108. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)), as amended by section 3121(a) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2011''and inserting ''2012''; and

(B) in the second sentence, by striking ''or 2010'' and inserting ''2010, or 2011''; and

(2) in subclause (III), by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

SEC. 109. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l–4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), section 107 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395l note), and section 3122 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''the 1-year period beginning on July 1, 2010'' and inserting ''the 2-year period beginning on July 1, 2010''.

SEC. 110. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking ''December 2010'' and inserting ''December 2011''.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (M);

(B) in subparagraph (N), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(O) for the period that begins on January 1, 2011, and ends on September 30, 2011, the total allocation amount is $720,000,000; and

''(P) for the period that begins on October 1, 2011, and ends on December 31, 2011, the total allocation amount is $280,000,000.''; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking ''or (N)'' and inserting ''(N), or (P)''.

SEC. 111. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 112. SPECIAL DIABETES PROGRAMS.

(1) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking ''2011'' and inserting ''2013''.

(2) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking ''2011'' and inserting ''2013''.

TITLE II—OTHER PROVISIONS

SEC. 201. CLARIFICATION OF EFFECTIVE DATE OF PART B SPECIAL ENROLLMENT PERIOD FOR DISABLED TRICARE BENEFICIARIES.

Effective as if included in the enactment of Public Law 111–148, section 3110(a)(2) of such Act is amended to read as follows:

''(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to elections made on and after the date of the enactment of this Act.''.

SEC. 202. REPEAL OF DELAY OF RUG–IV.

Effective as if included in the enactment of Public Law 111–148, section 10325 of such Act is repealed.

SEC. 203. CLARIFICATION FOR AFFILIATED HOSPITALS FOR DISTRIBUTION OF ADDITIONAL RESIDENCY POSITIONS.

Effective as if included in the enactment of section 5503(a) of Public Law 111–148, section 1886(h)(8) of the Social Security Act (42 U.S.C. 1395ww(h)(8)), as added by such section 5503(a), is amended by adding at the end the following new subparagraph:

''(I) AFFILIATION.—The provisions of this paragraph shall be applied to hospitals which are members of the same affiliated group (as defined by the Secretary under paragraph (4)(H)(ii)) and the reference resident level for each such hospital shall be the reference resident level with respect to the cost reporting period that results in the smallest difference between the reference resident level and the otherwise applicable resident limit.''.

SEC. 204. CONTINUED INCLUSION OF ORPHAN DRUGS IN DEFINITION OF COVERED OUTPATIENT DRUGS WITH RESPECT TO CHILDREN'S HOSPITALS UNDER THE 340B DRUG DISCOUNT PROGRAM.

(a) DEFINITION OF COVERED OUTPATIENT DRUG.—

(1) AMENDMENT.—Subsection (e) of section 340B of the Public Health Service Act (42 U.S.C. 256b) is amended by striking ''covered entities described in subparagraph (M)'' and inserting ''covered entities described in subparagraph (M) (other than a children's hospital described in subparagraph (M))''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 2302 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1927(a)(5) of the Social Security Act (42 U.S.C. 1396r–8(a)(5)) is amended by striking ''and a children's hospital'' and all that follows through the end of the subparagraph and inserting a period.

SEC. 205. MEDICAID AND CHIP TECHNICAL CORRECTIONS.

(a) REPEAL OF EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM MEDICAID.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (78).

(b) INCOME LEVEL FOR CERTAIN CHILDREN UNDER MEDICAID.—Section 1902(l)(2)(C) of the Social Security Act (42 U.S.C. 1396a(l)(2)(C)) is amended by striking ''133 percent'' and inserting ''100 percent (or, beginning January 1, 2014, 133 percent)''.

(c) CALCULATION AND PUBLICATION OF PAYMENT ERROR RATE MEASUREMENT FOR CERTAIN YEARS.—Section 601(b) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is amended by adding at the end the following: ''The Secretary is not required under this subsection to calculate or publish a national or a State-specific error rate for fiscal year 2009 or fiscal year 2010.''.

(d) CORRECTIONS TO EXCEPTIONS TO EXCLUSION OF CHILDREN OF CERTAIN EMPLOYEES.—Section 2110(b)(6) of the Social Security Act (42 U.S.C. 1397jj(b)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking ''PER PERSON'' in the heading; and

(B) by striking ''each employee'' and inserting ''employees''; and

(2) in subparagraph (C), by striking '', on a case-by-case basis,''.

(e) ELECTRONIC HEALTH RECORDS.—Effective as if included in the enactment of section 4201(a)(2) of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), section 1903(t) of the Social Security Act (42 U.S.C. 1396b(t)) is amended—

(1) in paragraph (3)(E), by striking ''reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government)'' and inserting ''reduced by the average payment the Secretary estimates will be made to such Medicaid providers (determined on a percentage or other basis for such classes or types of

providers as the Secretary may specify) from other sources (other than under this subsection, or by the Federal government or a State or local government)''; and

(2) in paragraph (6)(B), by inserting before the period the following: ''and shall be determined to have met such responsibility to the extent that the payment to the Medicaid provider is not in excess of 85 percent of the net average allowable cost''.

(f) CORRECTIONS OF DESIGNATIONS.—

(1) Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)(10), in the matter following subparagraph (G), by striking ''and'' before ''(XVI) the medical'' and by striking ''(XVI) if'' and inserting ''(XVII) if'';

(B) in subsection (a)(23), by striking ''(ii)'' and inserting ''(kk)'';

(C) in subsection (a)(77), by striking ''(ii)'' and inserting ''(kk)'';

(D) in subsection (ii)(2), as added by section 2303(a)(2) of Public Law 111–148, by striking ''(XV)'' and inserting ''(XVI)''; and

(E) by redesignating subsection (ii), as added by section 6401(b)(1)(B) of Public Law 111–148, as subsection (kk) and transferring such subsection so as to appear after subsection (jj) of that section.

(2) Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) in subparagraph (D), as added by section 6401(c) of Public Law 111–148, by striking ''(ii)'' and inserting ''(kk)''; and

(B) by redesignating the subparagraph (N) of that section added by 2101(e) of Public Law 111–148 as subparagraph (O).

SEC. 206. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of, or relating to, such title that ensure appropriate payment of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $200,000,000. Amounts appropriated under the preceding sentence shall be in addition to any other funds available for such purposes, shall remain available until expended, and shall not be used to implement changes to title XVIII of the Social Security Act made by Public Laws 111-148 and 111-152.

SEC. 207. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1)(B) of the Social Security Act (42 U.S.C. 1395iii(b)(1)(B)) is amended by striking ''$550,000,000'' and inserting ''$275,000,000''.

SEC. 208. LIMITATIONS ON AGGREGATE AMOUNT RECOVERED ON RECONCILIATION OF THE HEALTH INSURANCE TAX CREDIT AND THE ADVANCE OF THAT CREDIT.

(a) IN GENERAL.—So much of section 36B(f)(2)(B) of the Internal Revenue Code of 1986 as precedes clause (ii) thereof is amended to read as follows:

''(B) LIMITATION ON INCREASE.—

''(i) IN GENERAL.—In the case of a taxpayer whose household income is less than 500 percent of the poverty line for the size of the family involved for the taxable year, the amount of the increase under subparagraph (A) shall in no event exceed the applicable dollar amount determined in accordance with the following table (one-half of such amount in the case of a taxpayer whose tax is determined under section 1(c) for the taxable year):

''If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	$600
At least 200% but less than 250%	$1,000
At least 250% but less than 300%	$1,500
At least 300% but less than 350%	$2,000
At least 350% but less than 400%	$2,500
At least 400% but less than 450%	$3,000
At least 450% but less than 500%	$3,500

(b) CONFORMING AMENDMENT.—Section 36B(f)(2)(B)(ii) of such Code is amended by inserting ''in the table contained'' after ''each of the dollar amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2013.

SEC. 209. DETERMINATION OF BUDGETARY EFFECTS.

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

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 101, is designated as an emergency for purposes of pay-as-you-go principles.

SA 4743. Mr. BENNET (for Mr. REID) proposed an amendment to the bill H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes; as follows:

Amend the title so as to read: ''An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.''.

SA 4744. Mr. REID (for Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY)) proposed an amendment to the bill H.R. 4337, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Regulated Investment Company Modernization Act of 2010''.

(b) 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 section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title, etc.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

Sec. 101. Capital loss carryovers of regulated investment companies.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

Sec. 201. Savings provisions for failures of regulated investment companies to satisfy gross income and asset tests.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

Sec. 301. Modification of dividend designation requirements and allocation rules for regulated investment companies.

Sec. 302. Earnings and profits of regulated investment companies.

Sec. 303. Pass-thru of exempt-interest dividends and foreign tax credits in fund of funds structure.

Sec. 304. Modification of rules for spillover dividends of regulated investment companies.

Sec. 305. Return of capital distributions of regulated investment companies.

Sec. 306. Distributions in redemption of stock of a regulated investment company.

Sec. 307. Repeal of preferential dividend rule for publicly offered regulated investment companies.

Sec. 308. Elective deferral of certain late-year losses of regulated investment companies.

Sec. 309. Exception to holding period requirement for certain regularly declared exempt-interest dividends.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

Sec. 401. Excise tax exemption for certain regulated investment companies owned by tax exempt entities.

Sec. 402. Deferral of certain gains and losses of regulated investment companies for excise tax purposes.

Sec. 403. Distributed amount for excise tax purposes determined on basis of taxes paid by regulated investment company.

Sec. 404. Increase in required distribution of capital gain net income.

TITLE V—OTHER PROVISIONS

Sec. 501. Repeal of assessable penalty with respect to liability for tax of regulated investment companies.

Sec. 502. Modification of sales load basis deferral rule for regulated investment companies.

TITLE I—CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES

SEC. 101. CAPITAL LOSS CARRYOVERS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (a) of section 1212 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) REGULATED INVESTMENT COMPANIES.—

''(A) IN GENERAL.—If a regulated investment company has a net capital loss for any taxable year—

''(i) paragraph (1) shall not apply to such loss,

''(ii) the excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss arising on the first day of the next taxable year, and

''(iii) the excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss arising on the first day of the next taxable year.

''(B) COORDINATION WITH GENERAL RULE.—If a net capital loss to which paragraph (1) applies is carried over to a taxable year of a regulated investment company—

''(i) LOSSES TO WHICH THIS PARAGRAPH APPLIES.—Clauses (ii) and (iii) of subparagraph (A) shall be applied without regard to any

amount treated as a short-term capital loss under paragraph (1).

''(ii) LOSSES TO WHICH GENERAL RULE APPLIES.—Paragraph (1) shall be applied by substituting 'net capital loss for the loss year or any taxable year thereafter (other than a net capital loss to which paragraph (3)(A) applies)' for 'net capital loss for the loss year or any taxable year thereafter'.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (C) of section 1212(a)(1) is amended to read as follows:

''(C) a capital loss carryover to each of the 10 taxable years succeeding the loss year, but only to the extent such loss is attributable to a foreign expropriation loss,''.

(2) Paragraph (10) of section 1222 is amended by striking ''section 1212'' and inserting ''section 1212(a)(1)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to net capital losses for taxable years beginning after the date of the enactment of this Act.

(2) COORDINATION RULES.—Subparagraph (B) of section 1212(a)(3) of the Internal Revenue Code of 1986, as added by this section, shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—MODIFICATION OF GROSS INCOME AND ASSET TESTS OF REGULATED INVESTMENT COMPANIES

SEC. 201. SAVINGS PROVISIONS FOR FAILURES OF REGULATED INVESTMENT COMPANIES TO SATISFY GROSS INCOME AND ASSET TESTS.

(a) ASSET TEST.—Subsection (d) of section 851 is amended—

(1) by striking ''A corporation which meets'' and inserting the following:

''(1) IN GENERAL.—A corporation which meets'', and

(2) by adding at the end the following new paragraph:

''(2) SPECIAL RULES REGARDING FAILURE TO SATISFY REQUIREMENTS.—If paragraph (1) does not preserve a corporation's status as a regulated investment company for any particular quarter—

''(A) IN GENERAL.—A corporation that fails to meet the requirements of subsection (b)(3) (other than a failure described in subparagraph (B)(i)) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

''(i) following the corporation's identification of the failure to satisfy the requirements of such subsection for such quarter, a description of each asset that causes the corporation to fail to satisfy the requirements of such subsection at the close of such quarter is set forth in a schedule for such quarter filed in the manner provided by the Secretary,

''(ii) the failure to meet the requirements of such subsection for such quarter is due to reasonable cause and not due to willful neglect, and

''(iii)(I) the corporation disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation's identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation that fails to meet the requirements of subsection (b)(3) for such quarter shall nevertheless be considered to have satisfied the requirements of such subsection for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the corporation's assets at the end of the quarter for which such measurement is done, or

''(II) $10,000,000, and

''(ii)(I) the corporation, following the identification of such failure, disposes of assets in order to meet the requirements of such subsection within 6 months after the last day of the quarter in which the corporation's identification of the failure to satisfy the requirements of such subsection occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such subsection are otherwise met within the time period specified in subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation for any quarter, there is hereby imposed on such corporation a tax in an amount equal to the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of subsection (b)(3) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the corporation disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such subsection.

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, a tax imposed by this subparagraph shall be treated as an excise tax with respect to which the deficiency procedures of such subtitle apply.''.

(b) GROSS INCOME TEST.—Section 851 is amended by adding at the end the following new subsection:

''(i) FAILURE TO SATISFY GROSS INCOME TEST.—

''(1) DISCLOSURE REQUIREMENT.—A corporation that fails to meet the requirement of paragraph (2) of subsection (b) for any taxable year shall nevertheless be considered to have satisfied the requirement of such paragraph for such taxable year if—

''(A) following the corporation's identification of the failure to meet such requirement for such taxable year, a description of each item of its gross income described in such paragraph is set forth in a schedule for such taxable year filed in the manner provided by the Secretary, and

''(B) the failure to meet such requirement is due to reasonable cause and not due to willful neglect.

''(2) IMPOSITION OF TAX ON FAILURES.—If paragraph (1) applies to a regulated investment company for any taxable year, there is hereby imposed on such company a tax in an amount equal to the excess of—

''(A) the gross income of such company which is not derived from sources referred to in subsection (b)(2), over

''(B) ⅓ of the gross income of such company which is derived from such sources.''.

(c) DEDUCTION OF TAXES PAID FROM INVESTMENT COMPANY TAXABLE INCOME.—Paragraph (2) of section 852(b) is amended by adding at the end the following new subparagraph:

''(G) There shall be deducted an amount equal to the tax imposed by subsections (d)(2) and (i) of section 851 for the taxable year.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years with respect to which the due date (determined with regard to any extensions) of the return of tax for such taxable year is after the date of the enactment of this Act.

TITLE III—MODIFICATION OF RULES RELATED TO DIVIDENDS AND OTHER DISTRIBUTIONS

SEC. 301. MODIFICATION OF DIVIDEND DESIGNATION REQUIREMENTS AND ALLOCATION RULES FOR REGULATED INVESTMENT COMPANIES.

(a) CAPITAL GAIN DIVIDENDS.—

(1) IN GENERAL.—Subparagraph (C) of section 852(b)(3) is amended to read as follows:

''(C) DEFINITION OF CAPITAL GAIN DIVIDEND.—For purposes of this part—

''(i) IN GENERAL.—Except as provided in clause (ii), a capital gain dividend is any dividend, or part thereof, which is reported by the company as a capital gain dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the net capital gain of the company for such taxable year, a capital gain dividend is the excess of—

''(I) the reported capital gain dividend amount, over

''(II) the excess reported amount which is allocable to such reported capital gain dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported capital gain dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED CAPITAL GAIN DIVIDEND AMOUNT.—The term 'reported capital gain dividend amount' means the amount reported to its shareholders under clause (i) as a capital gain dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the net capital gain of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as capital gain dividends for the taxable year (including capital gain dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) ADJUSTMENT FOR DETERMINATIONS.—If there is an increase in the excess described in subparagraph (A) for the taxable year which results from a determination (as defined in section 860(e)), the company may, subject to the limitations of this subparagraph, increase the amount of capital gain dividends reported under clause (i).

''(vi) SPECIAL RULE FOR LOSSES LATE IN THE CALENDAR YEAR.—For special rule for certain losses after October 31, see paragraph (8).''.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 860(f)(2) is amended by inserting ''or reported (as the case may be)'' after ''designated''.

(b) EXEMPT-INTEREST DIVIDENDS.—Subparagraph (A) of section 852(b)(5) is amended to read as follows:

''(A) DEFINITION OF EXEMPT-INTEREST DIVIDEND.—

''(i) IN GENERAL.—Except as provided in clause (ii), an exempt-interest dividend is any dividend or part thereof (other than a capital gain dividend) paid by a regulated investment company and reported by the company as an exempt-interest dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the exempt interest of the company for such taxable year, an exempt-interest dividend is the excess of—

''(I) the reported exempt-interest dividend amount, over

''(II) the excess reported amount which is allocable to such reported exempt-interest dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported exempt-interest dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported exempt-interest dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED EXEMPT-INTEREST DIVIDEND AMOUNT.—The term 'reported exempt-interest dividend amount' means the amount reported to its shareholders under clause (i) as an exempt-interest dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the exempt interest of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as exempt-interest dividends for the taxable year (including exempt-interest dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(V) EXEMPT INTEREST.—The term 'exempt interest' means, with respect to any regulated investment company, the excess of the amount of interest excludable from gross income under section 103(a) over the amounts disallowed as deductions under sections 265 and 171(a)(2).''.

(c) FOREIGN TAX CREDITS.—

(1) IN GENERAL.—Subsection (c) of section 853 is amended—

(A) by striking ''so designated by the company in a written notice mailed to its shareholders not later than 60 days after the close of the taxable year'' and inserting ''so reported by the company in a written statement furnished to such shareholder'', and

(B) by striking ''NOTICE'' in the heading and inserting ''STATEMENTS''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853 is amended—

(A) by striking ''and the notice to shareholders required by subsection (c)'' in the text thereof, and

(B) by striking ''AND NOTIFYING SHAREHOLDERS'' in the heading thereof.

(d) CREDITS FOR TAX CREDIT BONDS.—

(1) IN GENERAL.—Subsection (c) of section 853A is amended—

(A) by striking ''so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year'' and inserting ''so reported by the regulated investment company in a written statement furnished to such shareholder'', and

(B) by striking ''NOTICE'' in the heading and inserting ''STATEMENTS''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 853A is amended—

(A) by striking ''and the notice to shareholders required by subsection (c)'' in the text thereof, and

(B) by striking ''AND NOTIFYING SHAREHOLDERS'' in the heading thereof.

(e) DIVIDEND RECEIVED DEDUCTION, ETC.—

(1) IN GENERAL.—Paragraph (1) of section 854(b) is amended—

(A) by striking ''designated under this subparagraph by the regulated investment company'' in subparagraph (A) and inserting ''reported by the regulated investment company as eligible for such deduction in written statements furnished to its shareholders'',

(B) by striking ''designated by the regulated investment company'' in subparagraph (B)(i) and inserting ''reported by the regulated investment company as qualified dividend income in written statements furnished to its shareholders'',

(C) by striking ''designated'' in subparagraph (C)(i) and inserting ''reported'', and

(D) by striking ''designated'' in subparagraph (C)(ii) and inserting ''reported''.

(2) CONFORMING AMENDMENTS.—Subsection (b) of section 854 is amended by striking paragraph (2) and by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(f) DIVIDENDS PAID TO CERTAIN FOREIGN PERSONS.—

(1) INTEREST-RELATED DIVIDENDS.—Subparagraph (C) of section 871(k)(1) is amended by striking all that precedes ''any taxable year of the company beginning'' and inserting the following:

''(C) INTEREST-RELATED DIVIDEND.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), an interest related dividend is any dividend, or part thereof, which is reported by the company as an interest related dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified net interest income of the company for such taxable year, an interest related dividend is the excess of—

''(I) the reported interest related dividend amount, over

''(II) the excess reported amount which is allocable to such reported interest related dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported interest related dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported interest related dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I) shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED INTEREST RELATED DIVIDEND AMOUNT.—The term 'reported interest related dividend amount' means the amount reported to its shareholders under clause (i) as an interest related dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the qualified net interest income of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as interest related dividends for the taxable year (including interest related dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) TERMINATION.—The term 'interest related dividend' shall not include any dividend with respect to''.

(2) SHORT-TERM CAPITAL GAIN DIVIDENDS.—Subparagraph (C) of section 871(k)(2) is amended by striking all that precedes ''any taxable year of the company beginning'' and inserting the following:

''(C) SHORT-TERM CAPITAL GAIN DIVIDEND.—For purposes of this paragraph—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'short-term capital gain dividend' means any dividend, or part thereof, which is reported by the company as a short-term capital gain dividend in written statements furnished to its shareholders.

''(ii) EXCESS REPORTED AMOUNTS.—If the aggregate reported amount with respect to the company for any taxable year exceeds the qualified short-term gain of the company for such taxable year, the term 'short-term capital gain dividend' means the excess of—

''(I) the reported short-term capital gain dividend amount, over

''(II) the excess reported amount which is allocable to such reported short-term capital gain dividend amount.

''(iii) ALLOCATION OF EXCESS REPORTED AMOUNT.—

''(I) IN GENERAL.—Except as provided in subclause (II), the excess reported amount (if any) which is allocable to the reported short-term capital gain dividend amount is that portion of the excess reported amount which bears the same ratio to the excess reported amount as the reported short-term capital gain dividend amount bears to the aggregate reported amount.

''(II) SPECIAL RULE FOR NONCALENDAR YEAR TAXPAYERS.—In the case of any taxable year which does not begin and end in the same calendar year, if the post-December reported amount equals or exceeds the excess reported amount for such taxable year, subclause (I)

shall be applied by substituting 'post-December reported amount' for 'aggregate reported amount' and no excess reported amount shall be allocated to any dividend paid on or before December 31 of such taxable year.

''(iv) DEFINITIONS.—For purposes of this subparagraph—

''(I) REPORTED SHORT-TERM CAPITAL GAIN DIVIDEND AMOUNT.—The term 'reported short-term capital gain dividend amount' means the amount reported to its shareholders under clause (i) as a short-term capital gain dividend.

''(II) EXCESS REPORTED AMOUNT.—The term 'excess reported amount' means the excess of the aggregate reported amount over the qualified short-term gain of the company for the taxable year.

''(III) AGGREGATE REPORTED AMOUNT.—The term 'aggregate reported amount' means the aggregate amount of dividends reported by the company under clause (i) as short-term capital gain dividends for the taxable year (including short-term capital gain dividends paid after the close of the taxable year described in section 855).

''(IV) POST-DECEMBER REPORTED AMOUNT.—The term 'post-December reported amount' means the aggregate reported amount determined by taking into account only dividends paid after December 31 of the taxable year.

''(v) TERMINATION.—The term 'short-term capital gain dividend' shall not include any dividend with respect to''.

(g) CONFORMING AMENDMENTS.—Section 855 is amended—

(1) by striking subsection (c) and redesignating subsection (d) as subsection (c), and

(2) by striking '', (c) and (d)'' in subsection (a) and inserting ''and (c)''.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(i) APPLICATION OF JGTRRA SUNSET.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall apply to the amendments made by subparagraphs (B) and (D) of subsection (e)(1) to the same extent and in the same manner as section 303 of such Act applies to the amendments made by section 302 of such Act.

SEC. 302. EARNINGS AND PROFITS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (1) of section 852(c) is amended to read as follows:

''(1) TREATMENT OF NONDEDUCTIBLE ITEMS.—

''(A) NET CAPITAL LOSS.—If a regulated investment company has a net capital loss for any taxable year—

''(i) such net capital loss shall not be taken into account for purposes of determining the company's earnings and profits, and

''(ii) any capital loss arising on the first day of the next taxable year by reason of clause (ii) or (iii) of section 1212(a)(3)(A) shall be treated as so arising for purposes of determining earnings and profits.

''(B) OTHER NONDEDUCTIBLE ITEMS.—

''(i) IN GENERAL.—The earnings and profits of a regulated investment company for any taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction (other than by reason of section 265 or 171(a)(2)) in computing its taxable income for such taxable year.

''(ii) COORDINATION WITH TREATMENT OF NET CAPITAL LOSSES.—Clause (i) shall not apply to a net capital loss to which subparagraph (A) applies.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (c) of section 852 is amended by adding at the end the following new paragraph:

''(4) REGULATED INVESTMENT COMPANY.—For purposes of this subsection, the term 'regulated investment company' includes a domestic corporation which is a regulated investment company determined without regard to the requirements of subsection (a).''.

(2) Paragraphs (1)(A) and (2)(A) of section 871(k) are each amended by inserting ''which meets the requirements of section 852(a) for the taxable year with respect to which the dividend is paid'' before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 303. PASS-THRU OF EXEMPT-INTEREST DIVIDENDS AND FOREIGN TAX CREDITS IN FUND OF FUNDS STRUCTURE.

(a) IN GENERAL.—Section 852 is amended by adding at the end the following new subsection:

''(g) SPECIAL RULES FOR FUND OF FUNDS.—

''(1) IN GENERAL.—In the case of a qualified fund of funds—

''(A) such fund shall be qualified to pay exempt-interest dividends to its shareholders without regard to whether such fund satisfies the requirements of the first sentence of subsection (b)(5), and

''(B) such fund may elect the application of section 853 (relating to foreign tax credit allowed to shareholders) without regard to the requirement of subsection (a)(1) thereof.

''(2) QUALIFIED FUND OF FUNDS.—For purposes of this subsection, the term 'qualified fund of funds' means a regulated investment company if (at the close of each quarter of the taxable year) at least 50 percent of the value of its total assets is represented by interests in other regulated investment companies.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 304. MODIFICATION OF RULES FOR SPILLOVER DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) DEADLINE FOR DECLARATION OF DIVIDEND.—Paragraph (1) of section 855(a) is amended to read as follows:

''(1) declares a dividend before the later of—

''(A) the 15th day of the 9th month following the close of the taxable year, or

''(B) in the case of an extension of time for filing the company's return for the taxable year, the due date for filing such return taking into account such extension, and''.

(b) DEADLINE FOR DISTRIBUTION OF DIVIDEND.—Paragraph (2) of section 855(a) is amended by striking ''the first regular dividend payment'' and inserting ''the first dividend payment of the same type of dividend''.

(c) SHORT-TERM CAPITAL GAIN.—Subsection (a) of section 855 is amended by adding at the end the following: ''For purposes of paragraph (2), a dividend attributable to any short-term capital gain with respect to which a notice is required under the Investment Company Act of 1940 shall be treated as the same type of dividend as a capital gain dividend.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 305. RETURN OF CAPITAL DISTRIBUTIONS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (b) of section 316 is amended by adding at the end the following new paragraph:

''(4) CERTAIN DISTRIBUTIONS BY REGULATED INVESTMENT COMPANIES IN EXCESS OF EARNINGS AND PROFITS.—In the case of a regulated investment company that has a taxable year other than a calendar year, if the distributions by the company with respect to any class of stock of such company for the taxable year exceed the company's current and accumulated earnings and profits which may be used for the payment of dividends on such class of stock, the company's current earnings and profits shall, for purposes of subsection (a), be allocated first to distributions with respect to such class of stock made during the portion of the taxable year which precedes January 1.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after the date of the enactment of this Act.

SEC. 306. DISTRIBUTIONS IN REDEMPTION OF STOCK OF A REGULATED INVESTMENT COMPANY.

(a) REDEMPTIONS TREATED AS EXCHANGES.—

(1) IN GENERAL.—Subsection (b) of section 302 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REDEMPTIONS BY CERTAIN REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall apply to any distribution in redemption of stock of a publicly offered regulated investment company (within the meaning of section 67(c)(2)(B)) if—

''(A) such redemption is upon the demand of the stockholder, and

''(B) such company issues only stock which is redeemable upon the demand of the stockholder.''.

(2) CONFORMING AMENDMENT.—Subsection (a) of section 302 is amended by striking ''or (4)'' and inserting ''(4), or (5)''.

(b) LOSSES ON REDEMPTIONS NOT DISALLOWED FOR FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Paragraph (3) of section 267(f) is amended by adding at the end the following new subparagraph:

''(D) REDEMPTIONS BY FUND-OF-FUNDS REGULATED INVESTMENT COMPANIES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a)(1) shall not apply to any distribution in redemption of stock of a regulated investment company if—

''(i) such company issues only stock which is redeemable upon the demand of the stockholder, and

''(ii) such redemption is upon the demand of another regulated investment company.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 307. REPEAL OF PREFERENTIAL DIVIDEND RULE FOR PUBLICLY OFFERED REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subsection (c) of section 562 is amended by striking ''The amount'' and inserting ''Except in the case of a publicly offered regulated investment company (as defined in section 67(c)(2)(B)), the amount''.

(b) CONFORMING AMENDMENT.—Section 562(c) is amended by inserting ''(other than a publicly offered regulated investment company (as so defined))'' after ''regulated investment company'' in the second sentence thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

SEC. 308. ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraph (8) of section 852(b) is amended to read as follows:

''(8) ELECTIVE DEFERRAL OF CERTAIN LATE-YEAR LOSSES.—

''(A) IN GENERAL.—Except as otherwise provided by the Secretary, a regulated investment company may elect for any taxable year to treat any portion of any qualified

late-year loss for such taxable year as arising on the first day of the following taxable year for purposes of this title.

''(B) QUALIFIED LATE-YEAR LOSS.—For purposes of this paragraph, the term 'qualified late-year loss' means—

''(i) any post-October capital loss, and

''(ii) any late-year ordinary loss.

''(C) POST-OCTOBER CAPITAL LOSS.—For purposes of this paragraph, the term 'post-October capital loss' means the greatest of—

''(i) the net capital loss attributable to the portion of the taxable year after October 31,

''(ii) the net long-term capital loss attributable to such portion of the taxable year, or

''(iii) the net short-term capital loss attributable to such portion of the taxable year.

''(D) LATE-YEAR ORDINARY LOSS.—For purposes of this paragraph, the term 'late-year ordinary loss' means the excess (if any) of—

''(i) the sum of—

''(I) the specified losses (as defined in section 4982(e)(5)(B)(ii)) attributable to the portion of the taxable year after October 31, plus

''(II) the ordinary losses not described in subclause (I) attributable to the portion of the taxable year after December 31, over

''(ii) the sum of—

''(I) the specified gains (as defined in section 4982(e)(5)(B)(i)) attributable to the portion of the taxable year after October 31, plus

''(II) the ordinary income not described in subclause (I) attributable to the portion of the taxable year after December 31.

''(E) SPECIAL RULE FOR COMPANIES DETERMINING REQUIRED CAPITAL GAIN DISTRIBUTIONS ON TAXABLE YEAR BASIS.—In the case of a company to which an election under section 4982(e)(4) applies—

''(i) if such company's taxable year ends with the month of November, the amount of qualified late-year losses (if any) shall be computed without regard to any income, gain, or loss described in subparagraphs (C), (D)(i)(I), and (D)(ii)(I), and

''(ii) if such company's taxable year ends with the month of December, subparagraph (A) shall not apply.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 852 is amended by striking paragraph (10).

(2) Paragraph (2) of section 852(c) is amended by striking the first sentence and inserting the following: ''For purposes of applying this chapter to distributions made by a regulated investment company with respect to any calendar year, the earnings and profits of such company shall be determined without regard to any net capital loss attributable to the portion of the taxable year after October 31 and without regard to any late-year ordinary loss (as defined in subsection (b)(8)(D)).''

(3) Subparagraph (D) of section 871(k)(2) is amended by striking the last two sentences and inserting the following: ''For purposes of this subparagraph, the net short-term capital gain of the regulated investment company shall be computed by treating any short-term capital gain dividend includible in gross income with respect to stock of another regulated investment company as a short-term capital gain.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 309. EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.

(a) IN GENERAL.—Subparagraph (E) of section 852(b)(4) is amended by striking all that precedes ''In the case of a regulated investment company'' and inserting the following:

''(E) EXCEPTION TO HOLDING PERIOD REQUIREMENT FOR CERTAIN REGULARLY DECLARED EXEMPT-INTEREST DIVIDENDS.—

''(i) DAILY DIVIDEND COMPANIES.—Except as otherwise provided by regulations, subparagraph (B) shall not apply with respect to a regular dividend paid by a regulated investment company which declares exempt-interest dividends on a daily basis in an amount equal to at least 90 percent of its net tax-exempt interest and distributes such dividends on a monthly or more frequent basis.

''(ii) AUTHORITY TO SHORTEN REQUIRED HOLDING PERIOD WITH RESPECT TO OTHER COMPANIES.—''.

(b) CONFORMING AMENDMENT.—Clause (ii) of section 852(b)(4)(E), as amended by subsection (a), is amended by inserting ''(other than a company described in clause (i))'' after ''regulated investment company''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to losses incurred on shares of stock for which the taxpayer's holding period begins after the date of the enactment of this Act.

TITLE IV—MODIFICATIONS RELATED TO EXCISE TAX APPLICABLE TO REGULATED INVESTMENT COMPANIES

SEC. 401. EXCISE TAX EXEMPTION FOR CERTAIN REGULATED INVESTMENT COMPANIES OWNED BY TAX EXEMPT ENTITIES.

(a) IN GENERAL.—Subsection (f) of section 4982 is amended—

(1) by striking ''either'' in the matter preceding paragraph (1),

(2) by striking ''or'' at the end of paragraph (1),

(3) by striking the period at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraphs:

''(3) any other tax-exempt entity whose ownership of beneficial interests in the company would not preclude the application of section 817(h)(4), or

''(4) another regulated investment company described in this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 402. DEFERRAL OF CERTAIN GAINS AND LOSSES OF REGULATED INVESTMENT COMPANIES FOR EXCISE TAX PURPOSES.

(a) IN GENERAL.—Subsection (e) of section 4982 is amended by striking paragraphs (5) and (6) and inserting the following new paragraphs:

''(5) TREATMENT OF SPECIFIED GAINS AND LOSSES AFTER OCTOBER 31 OF CALENDAR YEAR.—

''(A) IN GENERAL.—Any specified gain or specified loss which (but for this paragraph) would be properly taken into account for the portion of the calendar year after October 31 shall be treated as arising on January 1 of the following calendar year.

''(B) SPECIFIED GAINS AND LOSSES.—For purposes of this paragraph—

''(i) SPECIFIED GAIN.—The term 'specified gain' means ordinary gain from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency gain attributable to a section 988 transaction (within the meaning of section 988) and any amount includible in gross income under section 1296(a)(1).

''(ii) SPECIFIED LOSS.—The term 'specified loss' means ordinary loss from the sale, exchange, or other disposition of property (including the termination of a position with respect to such property). Such term shall include any foreign currency loss attributable to a section 988 transaction (within the meaning of section 988) and any amount allowable as a deduction under section 1296(a)(2).

''(C) SPECIAL RULE FOR COMPANIES ELECTING TO USE THE TAXABLE YEAR.—In the case of any company making an election under paragraph (4), subparagraph (A) shall be applied by substituting the last day of the company's taxable year for October 31.

''(6) TREATMENT OF MARK TO MARKET GAIN.—

''(A) IN GENERAL.—For purposes of determining a regulated investment company's ordinary income, notwithstanding paragraph (1)(C), each specified mark to market provision shall be applied as if such company's taxable year ended on October 31. In the case of a company making an election under paragraph (4), the preceding sentence shall be applied by substituting the last day of the company's taxable year for October 31.

''(B) SPECIFIED MARK TO MARKET PROVISION.—For purposes of this paragraph, the term 'specified mark to market provision' means sections 1256 and 1296 and any other provision of this title (or regulations thereunder) which treats property as disposed of on the last day of the taxable year.

''(7) ELECTIVE DEFERRAL OF CERTAIN ORDINARY LOSSES.—Except as provided in regulations prescribed by the Secretary, in the case of a regulated investment company which has a taxable year other than the calendar year—

''(A) such company may elect to determine its ordinary income for the calendar year without regard to any net ordinary loss (determined without regard to specified gains and losses taken into account under paragraph (5)) which is attributable to the portion of such calendar year which is after the beginning of the taxable year which begins in such calendar year, and

''(B) any amount of net ordinary loss not taken into account for a calendar year by reason of subparagraph (A) shall be treated as arising on the 1st day of the following calendar year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 403. DISTRIBUTED AMOUNT FOR EXCISE TAX PURPOSES DETERMINED ON BASIS OF TAXES PAID BY REGULATED INVESTMENT COMPANY.

(a) IN GENERAL.—Subsection (c) of section 4982 is amended by adding at the end the following new paragraph:

''(4) SPECIAL RULE FOR ESTIMATED TAX PAYMENTS.—

''(A) IN GENERAL.—In the case of a regulated investment company which elects the application of this paragraph for any calendar year—

''(i) the distributed amount with respect to such company for such calendar year shall be increased by the amount on which qualified estimated tax payments are made by such company during such calendar year, and

''(ii) the distributed amount with respect to such company for the following calendar year shall be reduced by the amount of such increase.

''(B) QUALIFIED ESTIMATED TAX PAYMENTS.—For purposes of this paragraph, the term 'qualified estimated tax payments' means, with respect to any calendar year, payments of estimated tax of a tax described in paragraph (1)(B) for any taxable year which begins (but does not end) in such calendar year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

SEC. 404. INCREASE IN REQUIRED DISTRIBUTION OF CAPITAL GAIN NET INCOME.

(a) IN GENERAL.—Subparagraph (B) of section 4982(b)(1) is amended by striking ''98 percent'' and inserting ''98.2 percent''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after the date of the enactment of this Act.

TITLE V—OTHER PROVISIONS

SEC. 501. REPEAL OF ASSESSABLE PENALTY WITH RESPECT TO LIABILITY FOR TAX OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 is amended by striking section 6697 (and by striking the item relating to such section in the table of sections of such part).

(b) CONFORMING AMENDMENT.—Section 860 is amended by striking subsection (j).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 502. MODIFICATION OF SALES LOAD BASIS DEFERRAL RULE FOR REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Subparagraph (C) of section 852(f)(1) is amended by striking ''subsequently acquires'' and inserting ''acquires, during the period beginning on the date of the disposition referred to in subparagraph (B) and ending on January 31 of the calendar year following the calendar year that includes the date of such disposition,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to charges incurred in taxable years beginning after the date of the enactment of this Act.

SA 4745. Mr. REID (for Mr. CARPER) proposed an amendment to the bill S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for authority and duties of the Director and Deputy Director of the Census, and for other purposes; as follows:

Beginning on page 5, strike line 7 and all that follows through page 6, line 23, and insert the following:

''(6) ADVISORY COMMITTEES.—

''(A) ADVISORY COMMITTEES GENERALLY.—

''(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

''(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(B) TECHNOLOGY ADVISORY COMMITTEE.—

''(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

''(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

''(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage costs in the implementation of the census and census-related activities, including pilot projects.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS AND THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on December 8, 2010, at 3:30 p.m., to conduct a joint hearing entitled ''Examining the Efficiency, Stability, and Integrity of the U.S. Capital Markets.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on December 8, 2010, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 443, S. 3992, occur at 11 a.m. tomorrow, December 9, with the time following any leader time until 11 a.m. equally divided and controlled between the leaders or their designees; that following any leader statement, Senator DURBIN be recognized for up to 10 minutes, and the Senate then resume consideration of the motion to proceed to S. 3992; that during Thursday's session, Senator BENNETT be recognized to speak for up to 20 minutes for his farewell speech and also Senator DORGAN be recognized at 2 p.m. for up to 20 minutes for his farewell speech and that Senator BUNNING be recognized for up to 30 minutes for his farewell speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATED INVESTMENT COMPANY MODERNIZATION ACT OF 2010

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 640, H.R. 4337.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4337) to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Bingaman substitute amendment which is at the desk be agreed to; the bill, as amended, be read three times, passed; the motion to reconsider be laid on the table; and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4744) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 4337), as amended, was read the third time and passed.

CENSUS OVERSIGHT EFFICIENCY AND MANAGEMENT REFORM ACT OF 2010

Mr. REID. Mr. President, I ask unanimous consent to proceed to Calendar No. 647, S. 3167.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3167) to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in Italic.)

S. 3167

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 ''Census Oversight Efficiency and Management Reform Act of 2010''.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; Deputy Director of the Census; authority and duties

''(a) DEFINITIONS.—As used in this section—

''(1) 'Director' means the Director of the Census;

''(2) 'Deputy Director' means the Deputy Director of the Census; and

''(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

''(b) DIRECTOR OF THE CENSUS.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

''(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in [management]*managing large organizations* and experience in the collection, analysis, and use of statistical data.

''(2) GENERAL AUTHORITY AND DUTIES.—

''(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

''(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulations, or orders of the Secretary.

''(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

''(3) TERM OF OFFICE.—

''(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(C) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than [30 days] *60 days* before the removal.

''(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

''(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

''(6) ADVISORY COMMITTEES.—The Director may establish advisory committees to provide advice with respect to any function of the Director. Members of any such committee shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

''(9) BUDGET REQUESTS.—At the time the Director submits a budget request to the Secretary for inclusion in the President's budget request for a fiscal year submitted under section 1105 of title 31, and prior to the submission of the Department of Commerce budget to the Office of Management and Budget, the Director shall provide that budget information to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, as well as the Committees on Appropriations of the House of Representatives and the Senate. All other budget requests from the Bureau to the Secretary shall be made available to the Committees on Appropriations of the House of Representatives and the Senate.

''(10) OTHER AUTHORITIES.—

''(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

''(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

''(c) DEPUTY DIRECTOR.—

''(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

''(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

''(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

''21. Director of the Census; Deputy Director of the Census; authority and duties.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an Internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

''§ 17. Annual reports

''(a) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

''(1) A description of the Bureau's performance goals for each significant decennial operation, including the performance measures for each operation.

''(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

''(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

''(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

''(5) A detailed description of all contracts over $50,000,000 entered into for each significant decennial operation, including—

''(A) any changes made to the contracts from the previous fiscal year;

''(B) justification for the changes; and

''(C) actions planned or taken to control growth in such contract costs.

''(b) For purposes of this section, the term 'significant decennial operation' includes any program or information technology related to—

''(1) the development of an accurate address list;

''(2) data collection, processing, and dissemination;

''(3) recruiting and hiring of temporary employees;

''(4) marketing, communications, and partnerships; and

''(5) coverage measurement.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

''17. Annual reports.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendments be considered; the Carper amendment which is at the desk be agreed to; the committee-reported amendments be agreed to; and 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. 4745) was agreed to, as follows:

(Purpose: To provide for the establishment of a technology advisory committee and to strike the requirement that the Director of the Census submit a budget request each year to the Secretary of Commerce for inclusion in the President's budget request for that year)

Beginning on page 5, strike line 7 and all that follows through page 6, line 23, and insert the following:

''(6) ADVISORY COMMITTEES.—

''(A) ADVISORY COMMITTEES GENERALLY.—

''(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

''(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(B) TECHNOLOGY ADVISORY COMMITTEE.—

''(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

''(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

''(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage costs in the implementation of the census and census-related activities, including pilot projects.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

The committee amendments were agreed to.

The bill (S. 3167), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3167

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 ''Census Oversight Efficiency and Management Reform Act of 2010''.

SEC. 2. AUTHORITY AND DUTIES OF DIRECTOR AND DEPUTY DIRECTOR OF THE CENSUS.

(a) IN GENERAL.—Section 21 of the title 13, United States Code, is amended to read as follows:

''§ 21. Director of the Census; Deputy Director of the Census; authority and duties

''(a) DEFINITIONS.—As used in this section—

''(1) 'Director' means the Director of the Census;

''(2) 'Deputy Director' means the Deputy Director of the Census; and

''(3) 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

''(b) DIRECTOR OF THE CENSUS.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—The Bureau shall be headed by a Director of the Census, appointed by the President, by and with the advice and consent of the Senate.

''(B) QUALIFICATIONS.—Such appointment shall be made from individuals who have a demonstrated ability in managing large organizations and experience in the collection, analysis, and use of statistical data.

''(2) GENERAL AUTHORITY AND DUTIES.—

''(A) IN GENERAL.—The Director shall report directly to the Secretary without being required to report through any other official of the Department of Commerce.

''(B) DUTIES.—The Director shall perform such duties as may be imposed upon the Director by law, regulation, or orders of the Secretary.

''(C) INDEPENDENCE OF DIRECTOR.—No officer or agency of the United States shall have any authority to require the Director to submit legislative recommendations, or testimony, or comments for review prior to the submission of such recommendations, testimony, or comments to Congress if such recommendations, testimony, or comments to Congress include a statement indicating that the views expressed therein are those of the Bureau and do not necessarily represent the views of the President.

''(3) TERM OF OFFICE.—

''(A) IN GENERAL.—The term of office of the Director shall be 5 years, and shall begin on January 1, 2012, and every fifth year thereafter. An individual may not serve more than 2 full terms as Director.

''(B) VACANCIES.—Any individual appointed to fill a vacancy in such position, occurring before the expiration of the term for which such individual's predecessor was appointed, shall be appointed for the remainder of that term. The Director may serve after the end of the Director's term until reappointed or until a successor has been appointed, but in no event longer than 1 year after the end of such term.

''(C) REMOVAL.—An individual serving as Director may be removed from office by the President. The President shall communicate in writing the reasons for any such removal to both Houses of Congress not later than 60 days before the removal.

''(4) FUNCTIONS.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Bureau, and shall have authority and control over all personnel and activities thereof.

''(5) ORGANIZATION.—The Director may establish, alter, consolidate, or discontinue such organizational units or components within the Bureau as the Director considers necessary or appropriate, except that this paragraph shall not apply with respect to any unit or component provided for by law.

''(6) ADVISORY COMMITTEES.—

''(A) ADVISORY COMMITTEES GENERALLY.—

''(i) AUTHORITY TO ESTABLISH.—The Director may establish such advisory committees as the Director considers appropriate to provide advice with respect to any function of the Director.

''(ii) COMPENSATION AND EXPENSES.—Members of any advisory committee established under clause (i) shall serve without compensation, but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

''(B) TECHNOLOGY ADVISORY COMMITTEE.—

''(i) IN GENERAL.—Not later than 180 days after the date of the enactment of the Census Oversight Efficiency and Management Reform Act of 2010, the Director shall establish a technology advisory committee under subparagraph (A).

''(ii) MEMBERSHIP.—Members of the technology advisory committee shall be selected from the public, private, and academic sectors from among those who have experience in technologies and services relevant to the planning and execution of the census.

''(iii) DUTIES.—The technology advisory committee shall make recommendations to the Director and publish reports on the use of commercially available technologies and services to improve efficiencies and manage costs in the implementation of the census and census-related activities, including pilot projects.

''(7) REGULATIONS.—The Director may, in consultation with the Secretary, prescribe such rules and regulations as the Director considers necessary or appropriate to carry out the functions of the Director.

''(8) DELEGATIONS, ETC.—The Director may assign duties, and delegate, or authorize successive redelegations of, authority to act and to render decisions, to such officers and employees of the Bureau as the Director may find necessary. Within the limitations of such assignments, delegations, or redelegations, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Director. An assignment, delegation, or redelegation under this paragraph may not take effect before the date on which notice of such assignment, delegation, or redelegation (as the case may be) is published in the Federal Register.

''(9) OTHER AUTHORITIES.—

''(A) PERSONNEL.—Subject to sections 23 and 24, but notwithstanding any other provision of law, the Director, in carrying out the functions of the Director or the Bureau, may use the services of officers and other personnel in other Federal agencies, including personnel of the Armed Forces, with the consent of the head of the agency concerned.

''(B) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, or any other provision of law, the Director may accept and use voluntary and uncompensated services.

''(c) DEPUTY DIRECTOR.—

''(1) IN GENERAL.—There shall be in the Bureau a Deputy Director of the Census, who shall be appointed by and serve at the pleasure of the Director. The position of Deputy Director shall be a career reserved position within the meaning of section 3132(a)(8) of title 5.

''(2) FUNCTIONS.—The Deputy Director shall perform such functions as the Director shall designate.

''(3) TEMPORARY AUTHORITY TO PERFORM FUNCTIONS OF DIRECTOR.—The provisions of sections 3345 through 3349d of title 5 shall apply with respect to the office of Director. The first assistant to the office of Director is the Deputy Director for purposes of applying such provisions.''.

(b) TRANSITION RULES.—

(1) APPOINTMENT OF INITIAL DIRECTOR.—The initial Director of the Bureau of the Census shall be appointed in accordance with the provisions of section 21(b) of title 13, United States Code, as amended by subsection (a).

(2) INTERIM ROLE OF CURRENT DIRECTOR OF THE CENSUS AFTER DATE OF ENACTMENT.—If, as of January 1, 2012, the initial Director of the Bureau of the Census has not taken office, the officer serving on December 31, 2011, as Director of the Census (or Acting Director of the Census, if applicable) in the Department of Commerce—

(A) shall serve as the Director of the Bureau of the Census;

(B) shall assume the powers and duties of such Director, until the initial Director has taken office; and

(C) shall report directly to the Secretary of Commerce.

(c) CLERICAL AMENDMENT.—The item relating to section 21 in the table of sections for chapter 1 of title 13, United States Code, is amended to read as follows:

''21. Director of the Census; Deputy Director of the Census; authority and duties.''.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Not later than January 1, 2011, the Secretary of Commerce, in consultation with the Director of the Census, shall submit to each House of the Congress draft legislation containing any technical and conforming amendments to title 13, United States Code, and any other provisions which may be necessary to carry out the purposes of this Act.

SEC. 3. INTERNET RESPONSE OPTION.

Not later than 180 days after the date of the enactment of this Act, the Director of the Census, shall provide a plan to Congress on how the Bureau of the Census will test, develop, and implement an Internet response option for the 2020 Census and the American Community Survey. The plan shall include a description of how and when feasibility will be tested, the stakeholders to be consulted, when and what data will be collected, and how data will be protected.

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 13, United States Code, is amended by adding at the end the following new section:

''§ 17. Annual reports

''(a) Not later than the date of the submission of the President's budget request for a fiscal year under section 1105 of title 31, the Director of the Census shall submit to the appropriate congressional committees a comprehensive status report on the next decennial census, beginning with the 2020 decennial census. Each report shall include the following information:

''(1) A description of the Bureau's performance goals for each significant decennial operation, including the performance measures for each operation.

''(2) An assessment of the risks associated with each significant decennial operation, including the interrelationships between the operations and a description of relevant mitigation plans.

''(3) Detailed milestone estimates for each significant decennial operation, including estimated testing dates, and justification for any changes to milestone estimates.

''(4) Updated cost estimates for the life cycle of the decennial census, including sensitivity analysis and an explanation of significant changes in the assumptions on which such cost estimates are based.

''(5) A detailed description of all contracts over $50,000,000 entered into for each significant decennial operation, including—

''(A) any changes made to the contracts from the previous fiscal year;

''(B) justification for the changes; and

''(C) actions planned or taken to control growth in such contract costs.

''(b) For purposes of this section, the term 'significant decennial operation' includes any program or information technology related to—

''(1) the development of an accurate address list;

''(2) data collection, processing, and dissemination;

''(3) recruiting and hiring of temporary employees;

''(4) marketing, communications, and partnerships; and

''(5) coverage measurement.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 13, United States Code, is amended by inserting after the item relating to section 16 the following new item:

''17. Annual reports.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to budget requests for fiscal years beginning after September 30, 2010.

NATIONAL ALZHEIMER'S PROJECT ACT

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. 3036.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3036) to establish the Office of the National Alzheimer's Project.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Health, Education, Labor, and Pensions, 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 the ''National Alzheimer's Project Act''.

SEC. 2. THE NATIONAL ALZHEIMER'S PROJECT.

(a) DEFINITION OF ALZHEIMER'S.—In this Act, the term ''Alzheimer's'' means Alzheimer's disease and related dementias.

(b) ESTABLISHMENT.—There is established in the Office of the Secretary of Health and Human Services the National Alzheimer's Project (referred to in this Act as the ''Project'').

(c) PURPOSE OF THE PROJECT.—The Secretary of Health and Human Services, or the Secretary's designee, shall—

(1) be responsible for the creation and maintenance of an integrated national plan to overcome Alzheimer's;

(2) provide information and coordination of Alzheimer's research and services across all Federal agencies;

(3) accelerate the development of treatments that would prevent, halt, or reverse the course of Alzheimer's;

(4) improve the—

(A) early diagnosis of Alzheimer's disease; and

(B) coordination of the care and treatment of citizens with Alzheimer's;

(5) ensure the inclusion of ethnic and racial populations at higher risk for Alzheimer's or least likely to receive care, in clinical, research, and service efforts with the purpose of decreasing health disparities in Alzheimer's; and

(6) coordinate with international bodies to integrate and inform the fight against Alzheimer's globally.

(d) DUTIES OF THE SECRETARY.—

(1) IN GENERAL.—The Secretary of Health and Human Services, or the Secretary's designee, shall—

(A) oversee the creation and updating of the national plan described in paragraph (2); and

(B) use discretionary authority to evaluate all Federal programs around Alzheimer's, including budget requests and approvals.

(2) NATIONAL PLAN.—The Secretary of Health and Human Services, or the Secretary's designee, shall carry out an annual assessment of the Nation's progress in preparing for the escalating burden of Alzheimer's, including both implementation steps and recommendations for priority actions based on the assessment.

(e) ADVISORY COUNCIL.—

(1) IN GENERAL.—There is established an Advisory Council on Alzheimer's Research, Care, and Services (referred to in this Act as the ''Advisory Council'').

(2) MEMBERSHIP.—

(A) FEDERAL MEMBERS.—The Advisory Council shall be comprised of the following experts:

(i) A designee of the Centers for Disease Control and Prevention.

(ii) A designee of the Administration on Aging.

(iii) A designee of the Centers for Medicare & Medicaid Services.

(iv) A designee of the Indian Health Service.

(v) A designee of the Office of the Director of the National Institutes of Health.

(vi) The Surgeon General.

(vii) A designee of the National Science Foundation.

(viii) A designee of the Department of Veterans Affairs.

(ix) A designee of the Food and Drug Administration.

(x) A designee of the Agency for Healthcare Research and Quality.

(B) NON-FEDERAL MEMBERS.—In addition to the members outlined in subparagraph (A), the Advisory Council shall include 12 expert members from outside the Federal Government, which shall include—

(i) 2 Alzheimer's patient advocates;

(ii) 2 Alzheimer's caregivers;

(iii) 2 health care providers;

(iv) 2 representatives of State health departments;

(v) 2 researchers with Alzheimer's-related expertise in basic, translational, clinical, or drug development science; and

(vi) 2 voluntary health association representatives, including a national Alzheimer's disease organization that has demonstrated experience in research, care, and patient services, and a State-based advocacy organization that provides services to families and professionals, including information and referral, support groups, care consultation, education, and safety services.

(3) MEETINGS.—The Advisory Council shall meet quarterly and such meetings shall be open to the public.

(4) ADVICE.—The Advisory Council shall advise the Secretary of Health and Human Services, or the Secretary's designee.

(5) ANNUAL REPORT.—The Advisory Council shall provide to the Secretary of Health and Human Services, or the Secretary's designee and Congress—

(A) an initial evaluation of all federally funded efforts in Alzheimer's research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(B) initial recommendations for priority actions to expand, eliminate, coordinate, or condense programs based on the program's performance, mission, and purpose;

(C) initial recommendations to—

(i) reduce the financial impact of Alzheimer's on—

(I) Medicare and other federally funded programs; and

(II) families living with Alzheimer's disease; and

(ii) improve health outcomes; and

(D) annually thereafter, an evaluation of the implementation, including outcomes, of the recommendations, including priorities if necessary, through an updated national plan under subsection (d)(2).

(6) TERMINATION.—The Advisory Council shall terminate on December 31, 2025.

(f) DATA SHARING.—Agencies both within the Department of Health and Human Services and outside of the Department that have data relating to Alzheimer's shall share such data with the Secretary of Health and Human Services, or the Secretary's designee, to enable the Secretary, or the Secretary's designee, to complete the report described in subsection (g).

(g) ANNUAL REPORT.—The Secretary of Health and Human Services, or the Secretary's designee, shall submit to Congress—

(1) an annual report that includes an evaluation of all federally funded efforts in Alzheimer's research, clinical care, and institutional-, home-, and community-based programs and their outcomes;

(2) an evaluation of all federally funded programs based on program performance, mission, and purpose related to Alzheimer's disease;

(3) recommendations for—

(A) priority actions based on the evaluation conducted by the Secretary and the Advisory Council to—

(i) reduce the financial impact of Alzheimer's on—

(I) Medicare and other federally funded programs; and

(II) families living with Alzheimer's disease; and

(ii) improve health outcomes;

(B) implementation steps; and

(C) priority actions to improve the prevention, diagnosis, treatment, care, institutional-, home-, and community-based programs of Alzheimer's disease for individuals with Alzheimer's disease and their caregivers; and

(4) an annually updated national plan.

(h) SUNSET.—The Project shall expire on December 31, 2025.

Amend the title so as to read: ''A bill to establish the National Alzheimer's Project.''.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, be read a third time and passed; the committee-reported title amendment be agreed to; 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 committee amendment in the nature of a substitute, was agreed to.

The bill (S. 3036), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: ''A bill to establish the National Alzheimer's Project.''

RECOGNIZING THE 15TH ANNIVERSARY OF THE DAYTON PEACE ACCORDS

Mr. REID. I ask unanimous consent to proceed to S. Res. 697.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 697) recognizing the 15th anniversary of the Dayton Peace Accords.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. 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 relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 697) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 697

Whereas on December 14, 1995, the Dayton Peace Accords established peace and ended the war on the Balkan Peninsula in which more than 2,000,000 people were displaced and thousands were killed;

Whereas peace treaty negotiations began November 1, 1995, at Wright-Patterson Air Force Base in Dayton, Ohio, and concluded there on November 21, 1995, when Bosnia and Herzegovina, Croatia, and Serbia agreed to settle all war conflicts;

Whereas after 21 days of negotiations, the peace treaty negotiations successfully concluded with a peace treaty that was accepted by all parties;

Whereas the Dayton, Ohio, community provided outstanding security during the peace treaty negotiations;

Whereas the conclusion of the Dayton Peace Accords was a successful effort of the North Atlantic Treaty Organization led by the United States, with outstanding cooperation from the Russian Federation, Germany, France, and the United Kingdom;

Whereas the Dayton Peace Accords were the result of, and showed the success of, strong joint North Atlantic Treaty Organization efforts to promote and establish peace, security, and prosperity;

Whereas the signatories to the Dayton Peace Accords made a commitment to fully respect human rights and the rights of refugees and displaced persons;

Whereas the Dayton Peace Accords transformed Bosnia and Herzegovina from a country mired in a war based on ethnic and religious differences into a country engaged in an intense, but peaceful, struggle over the manner by which to form an independent and stable country;

Whereas the United States Agency for International Development and other bilateral and multilateral agencies and organizations made large investments to build a strong and independent media in Croatia, Serbia, and Bosnia and Herzegovina;

Whereas the Dayton International Peace Museum honors the Dayton Peace Accords and offers nonpartisan educational programs and exhibitions featuring the themes of nonviolent conflict resolution, social justice, international relations, and peace;

Whereas the people of the State of Ohio and the Dayton region facilitated and strongly supported the implementation of the Dayton Peace Accords, as well as promoted the peaceful democratization of the deeply divided country of Bosnia and Herzegovina;

Whereas stability and prosperity were fostered by the State of Ohio through the establishment of an exemplary relationship between the Ohio National Guard and the Armed Forces of Serbia;

Whereas the Dayton Literary Peace Prize, established in 2006, remains the only literary peace price in the United States and follows the legacy of the 1995 Dayton Peace Accords by acknowledging writers who advance peace through literature;

Whereas the city of Dayton and the city of Sarajevo have built a solid relationship as Sister Cities, and many other organizations in the region, such as the University of Dayton and the Friendship Force, have built strong relationships with the people of Bosnia and Herzegovina through programs and exchanges; and

Whereas while progress remains to be made in refining the governance structures of Bosnia and Herzegovina, the Dayton Peace Accords successfully established peace, restored human dignity, and laid the foundation for future progress in Bosnia and Herzegovina: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 15th anniversary of the Dayton Peace Accords;

(2) acknowledges the challenges Bosnia and Herzegovina still face and commends the socioeconomic and political progress that is being made in Bosnia and Herzegovina;

(3) encourages the Government of Bosnia and Herzegovina to adhere to the membership requirements of the North Atlantic Treaty Organization so that Bosnia and Herzegovina may join the alliance without delay;

(4) encourages the further integration and cooperation of European countries with the goal of establishing peace and economic prosperity for all of the people of Europe;

(5) renews the commitment of the United States to support the people of Bosnia and Herzegovina;

(6) urges the continuation of constitutional reforms, market-based economic growth, and improved dialogue between the people of Bosnia and Herzegovina and the elected Government of Bosnia and Herzegovina; and

(7) encourages the United States Air Force to take appropriate measures to provide historical interpretation of the site of the Dayton Peace Accords to educate the public on the historical significance of the Dayton Peace Accords and the importance of negotiation in world peace.

PRINTING OF TRIBUTES TO RETIRING SENATORS

Mr. REID. Mr. President, I ask unanimous consent that there be printed as a Senate document a compilation of materials from the CONGRESSIONAL RECORD in tribute to retiring Members of the 111th Congress, and that Members have until Thursday, December 16, to submit such tributes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Republican leader, in consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappoints the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2012 and Dennis C. Shea of Virginia for a term expiring December 31, 2012.

The Chair, on behalf of the President pro tempore, pursuant to Public Law

106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: C. Richard D'Amato of Maryland for a term beginning January 1, 2011 and expiring December 31, 2012 vice Peter Videnieks of Virginia.

ORDERS FOR THURSDAY, DECEMBER 9, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, December 9; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 3992, the DREAM Act, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, at approximately 11 a.m., the Senate will proceed to a series of up to three rollcall votes. The first vote will be on the motion to invoke cloture on the motion to proceed to the DREAM Act.

If cloture is not invoked, the Senate would proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 847, the 9/11 health compensation bill.

If cloture is not invoked, I may reconsider the failed cloture vote on the motion to proceed to the Department of Defense authorization bill, S. 3454.

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 it adjourn under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, December 9, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ALBERT J. BEVERIDGE III, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE JAMES DAVISON HUNTER, TERM EXPIRED.

CONSTANCE M. CARROLL, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE TAMAR JACOBY, TERM EXPIRED.

CATHY M. DAVIDSON, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE MARVIN BAILEY SCOTT, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HOWARD B. BROMBERG

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

BRIGADIER GENERAL GREGORY W. BATTS
BRIGADIER GENERAL BRENT M. BOYLES
BRIGADIER GENERAL JEFFERSON S. BURTON
BRIGADIER GENERAL LAWRENCE E. DUDNEY, JR.
BRIGADIER GENERAL BURTON K. FRANCISCO
BRIGADIER GENERAL CHARLES H. GAILES, JR.
BRIGADIER GENERAL GARY M. HARA
BRIGADIER GENERAL TIMOTHY J. KADAVY
BRIGADIER GENERAL PATRICK A. MURPHY
BRIGADIER GENERAL TIMOTHY E. ORR
BRIGADIER GENERAL DAVID C. PETERSEN

To be brigadier general

COLONEL JERRY R. ACTON, JR.
COLONEL DALLEN S. ATACK
COLONEL JAMES P. BEGLEY III
COLONEL ALAN J. BUTSON
COLONEL WALTER E. FOUNTAIN
COLONEL RICHARD J. GALLANT
COLONEL ALBERTO C. GONZALEZ
COLONEL JOHNNY H. ISAAK
COLONEL GREGORY L. KENNEDY
COLONEL ARTHUR J. LOGAN
COLONEL NEAL G. LOIDOLT
COLONEL JEFFREY P. MARLETTE
COLONEL TED MARTINELL
COLONEL EDWARD R. MORGAN
COLONEL MICHAEL D. NAVRKAL
COLONEL LEESA J. PAPIER
COLONEL KENNETH L. REINER
COLONEL SEAN A. RYAN
COLONEL KENNETH A. SANCHEZ
COLONEL STEVEN T. SCOTT
COLONEL WILLIAM L. STOPPEL
COLONEL LEE E. TAFANELLI
COLONEL KEITH Y. TAMASHIRO
COLONEL GUY E. THOMAS
COLONEL NEIL H. TOLLEY
COLONEL DAVID S. VISSER
COLONEL MARIANNE E. WATSON
COLONEL MARTHA N. WONG
COLONEL ANTHONY WOODS

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. RICHARD W. HUNT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JESSICA L. ABBOTT
ELIZABETH L. ABDALLA
KARLA E. ADAMS
KRISTIN D. ADAMS
THOMAS A. ADAMS
ANTHONY J. AGBAY, JR.
MICHAEL A. AKERLEY
GUSTAVE N. ALBERTI
SHELLEY L. ALDRICH
CHRISTOPHER L. ALLAM
FRANCO ALVAREZ III
GEOFFREY A. ANDERSON
IAN S. ANDERSON
DAVID M. ARNER
ALVI A. AZAD
CHRISTOPHER E. BACKUS
AMANDA H. BAILEY
BRIAN C. BANE
MICHAEL J. BARKER
JOANNE N. BARLIN
ANDREW R. BARNETT
ERIN S. BARTH
DANIEL E. BELZ
CODY J. BENTHIN
AMIT A. BHATT
LANCE M. BLACK
MICHAEL A. BLAIR
PETER J. BLATZ
MARC N. BOGGY
CHARLES W. BORDERS III
THOMAS E. BORSARI
ADAM W. BOSTICK
THOMAS W. BOWDEN
ROBERT O. BRADY
BRENT R. BRIMHALL
KENT T. BROBERG
CLIFFORD W. BROOKS III
MICHAEL B. BROUGH
LAUREN A. BUCK
PATRICK E. BULL
GABRIEL E. BURKHARDT
JASON CAPRA
MICHAEL D. CARLETTI
AARON M. CARTER
KIMBERLY D. CARTER
JENNIFER G. CHANG
NICOLE CHAPPELL
JOSEPH G. COLES
NOEL R. COLLS
DANIEL B. COX
DUSTIN A. CREECH
HOWARD C. CRISP II
EMILY M. CULLINEY
MICHAEL G. DANEKAS
ELIZABETH A. DAVID
COURTNEY A. DAWLEY
MARIA D. DEARMAN
THOMAS R. DEGRAFF III
WILFRED P. DELACRUZ
CHRISTINE M. DENCH
SCOTT A. DEPAUL
SUZANNE DEPAULO
ADAM K. DERRICKSON
ROBERT M. DEWITT
MICHAEL A. DIBARTOLO
SCOTT D. DICKSON
KIERON M. DILLINGHAM
MIRIAM C. DINATALE
STEVEN S. D. DOSHI
GEOFFREY P. DOUGLAS
MARY B. DOYLE
GREGORY N. DUNN
JOSHUA L. DURHAM
RYAN E. EARNEST
LAINA J. ECKARD
ALLEN J. ECKHOFF
CHAD R. EDWARDS
SALLY R. EILERMAN
SCOTT A. EISENHUTH
STEVEN L. ELLIS
TORU ENDO
JOHN A. ENIS
GREGORY A. FELDPAUSCH
CHRISTOPHER L. FILLMORE
RYAN P. FINNAN
MATTHEW S. FISHER
HARRIETTE KATE FLATHER
MEGHAN S. FLEMMONS
ADAM C. FLOOD
GRETCHEN N. FOLEY
AARON S. FRASER
ROBERT A. FREEMAN
REBECCA A. FRYE
BRIAN S. FURUKAWA
SHANNON GAFFNEY
JOANNA M. GALATI
MICHAEL L. GARDNER
BRIAN J. GAVITT
CHRISTINA M. GOBEN
ADAM G. GORBERG
JESSE D. GORLEY
RYAN C. GOUGH
JEREMY J. GRANGER
SCOTT M. GRAYNER
EMILY ANN GREEN
LAYNE B. GREEN
MICHAEL A. GREENE
MATTHEW C. GUMMERSON
BARBARA L. GWINN
PAUL F. HAGGERTY
TIMOTHY L. HALPIN
STEFAN C. HAMELIN
MICHELLE M. HARRIS
DANIEL R. HATCHER
ASHRAF HAWARI
NATALIE M. HECHT BALDAUFF
TONYA BERNELL HENDERSON
JOEL P. HERRINGTON
LAUREN PATRICIA G. HERRMANN
MINH Q. HO
SUSAN L. HOBERNICHT
BRYAN P. HOOKS
VALERIE C. HOSTETLER
MATTHEW G. HOYT
RICHARD E. HOYT
ALLISON CASEY HUDSON
JEREMY M. HUFF
RHOME L. HUGHES
STEPHANIE LORRAINN ILLANES
JORDAN L. INOUYE
JOANNA M. JACKSON
ANGELA S. JENNY
JEREMY A. JENSEN
MICAELA A. JETT
PATRICK D. JEWELL
RONALD L. JONES
JON J. JUHASZ
MICHELLE M. JURKONIE
BELINDA LEE KELLY
ZACKARY J. KENT
DANIEL S. KIM
JOSEPH M. KUEBKER
MICHAEL S. LAIDLAW
SETH W. LAMBERT
NICHOLAS A. LANCIA
MARIA K. LAPLANT
TIMOTHY I. LAWVER
JEFFREY T. LEARY
AARON D. LEWIS
CHRISTOPHER J. LINDSHIELD
EMILLIA C. LLOYD
MARK A. LOPEZ
GIOVANNI E. LORENZ
JESSICA A. LOTRIDGE
THOMAS W. MAHONEY
MATTHEW C. MAI
MARIBEL MALDONADO
ANDREW S. MALIN
MASON W. MANDY
COURTNEY L. MAPES
OLGA MARAT
DONALD J. MARTIN

WILMONT G. MARTIN
ANNA SCHISSEL MASTERS
STEPHANIE D. MATHEW
TOKUNBO J. MATTHEWS
ANDREW K. MATTHIES
LANCE R. MCADAMS
CARRIE L. MCBEECOOKE
EDWARD T. MCCANN
CLAIRE H. MCCARTHY
SEAN C. MCCARTHY
SCOTT B. MCCUSKER
ROBERT J. MCGILL
MATTHEW J. MCHALE
MARCENE R. MCVAY
LUKE R. MICHELS
BETHANY M. MIKLES
JOHN EMMET MILES
JOSHUA P. MILLER
SPENCER O. MILLER
DEANA L. MITCHELL
CHRISTOPHER S. MONNIKENDAM
BRIAN L. MONTENEGRO
BENJAMIN D. MORROW
D. KILEY MORTENSEN
DAVID A. MOSTELLER
HANNAH G. MOUSSA
KHAYANGA S. NAMASAKA
JAVED M. NASIR
AUSTIN T. NELSON
BRIAN E. NEUBAUER
MARCUS C. NEUFFER
JONATHAN W. NEWBERRY
TRAVIS R. NEWBERRY
LARISSA M. NEWMAN
PATRICK L. NGUYEN
ADAM F. NICHOLSON
KIMBERLY N. NICOLL
CLIFTON M. NOWELL
MANUEL A. NUNEZ
MEGHAN C. OBRYAN
MATTHEW E. OCKANDER
MICHAEL S. OERTLY
DAVID J. OETTEL
BERNARD O. OGON
JON R. OLSON
ERNEST T. ONEAL
GEOFFREY J. ORAVEC
TIFFANY J. OWENS
ELDON G. PALMER
AASTA R. PEDERSEN
ADRIENNE E. PERFILIO
JOHN R. PETERSON
PETER H. PHAN
STACEY T. PHAN
MONICA LYNN PIERCE WYSONG
KEVIN P. PIERONI
ALICIA K. PLUMMER
ANDREA M. PLUMMER
LUKE H. PORSI
TROY M. PUCKETT
JOSEPH W. PUGH
CLAYTON J. RABENS
MICHAEL L. RAWLINS
BEVERLY G. REED
ROWENA M. REYES
ELLIOT S. RINZLER
CANDACE M. RIPPERDA
DAVID S. ROBINSON
ANDREW J. ROHRER
JAIME ROJAS
DAVID M. ROSE
JAMES N. SARASUA
JEREL D. SCARBERRY
JUSTIN L. SCHILZ
BRETT E. SCHNEIDER
NICHOLAS E. SEELIGER
CHRISTOPHER O. SEGURA
SEAN C. SELIG
ERIC R. SHIVES
HAVYN M. SKORUPAN
STACY KING SLAT
JEREMY T. SMITH
DEREK M. SORENSEN
RICHARD O. SPEAKMAN
JEFFREY S. ST AMANT
GREGORY A. STANCEL
JON E. STANDLEY
MICHAEL J. STATTON
IAN J. STEWART
NATHAN S. SUMNER
JONATHAN A. SUNKIN
RYAN W. SWOPE
WESLEY W. TAFT
NATASCHA MINIDIS TAVALONE
COLE R. TAYLOR
CHRISTOPHER M. TESSIER
KIRSTIN T. THODE
ALICIA W. THOMPSON
MICHAEL C. TOMPKINS
LESLIE SUSAN S. TOURANGEAU
NADEGE T. TOUZIN
GEORGE A. TRIPP
ANTHONY L. TRUONG
JUSTIN J. UPP
NICHOLAS J. VERNETTI
CHRISTINE D. VO
CHRISTOPHER N. VOJTA
LESLIE R. VOJTA
GENEVIEVE H. VON THESLING
EVE R. WADZINSKI
ERIN M. WEEDEN
GARY M. WEISSENFLUH
JASON M. WEST
KATRINA N. WHERRY
SEAN P. WHERRY
MATTHEW T. WILDE
MICAH D. WILL
BRADLEY R. WILLIAMS
GREGORY J. WILLIAMS
MELISSA L. WILLIAMS
ERIN C. WINKLER
RYAN P. WIPPLER
BRIAN L. WITHERS
HEATH D. WRIGHT
ANDREW J. WYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

EDWARD R. ANDERSON III
PETER I. ANDERSON
KAREN M. AYOTTE
MEHDI AZADI
CLAY M. BALDWIN
JOSEPH R. BEARD IV
ADELLE L. BELISLE
JOHN K. BINI
JEREMY S. BRAGDON
PATRICK S. BRANNAN
LISA D. BROSTROM
JOHN S. BRUUN
PHIET T. BUI
GEORGE J. BUSE
WILLIAM H. CANN
JENNIFER C. CHOW
ALLISON A. COGAR
ROBERTO J. COLON
CHRISTOPHER A. COOP
TIMOTHY K. CRAGUN
JAMES A. CRIDER
ELVIN J. CRUZZENO
KAREN I. DACEY
LAURIE C. DAVIGNON
STEPHANIE M. DAVIS
RONALD S. DAY
SHANE D. DIECKMAN
LORI R. DISEATI
JOSEF F. DOENGES
GLENN DONNELLY
YASHIKA T. DOOLEY
JOHN R. DORSCH
KRISTI L. DREYER
JOSEPH J. DUBOSE
CLARENCE M. DUNAGAN IV
ROBERT L. ELLER
PATRICK M. ELLISON
ROBERT L. ELWOOD
BRIAN M. FAUX
SUSAN P. FEDERINKO
JOHN F. FREILER
RICHARD J. GERBER
RUTH A. GERMAN
NIRAJ GOVIL
JOSEPH T. GOWER
CHARLES E. GREESON
DANIEL D. GRUBER
ABEL GUERRA
DAVID A. HARDY
CINDY LOU HARRIS
JOHN M. HATFIELD
MICHAEL B. HOGAN
ALLEN D. HOLDER
DAVID L. HUANG
DUSTIN G. HUNTZINGER
WALTER N. INGRAM
KIRK E. JENSEN
JANELLE D. JONES
KAUSTUBH G. JOSHI
YEKATERINA KARPITSKAYA
COLLEEN M. KERSGARD
CHRISTOPHER R. KIELING
ALEXANDER P. S. KIM
HENRY J. KLEIN
CHRISTOPHER J. KOEBBE
MARIA R. J. KOSTUR
STEVEN A. KOZIOL
JULIO R. LAIRET
JEFFREY M. LAMMERS
GREGORY D. LANGAS
KERRY P. LATHAM
DOUGLAS A. LEACH
ALARIC C. LEBARON
PAUL E. LEWIS III
MONICA M. LOVASZ
JUSTIN Q. LY
GREGORY J. MALONE
JON KYLE MARTI
GREGG G. MARTYAK
MICHAEL W. MATCHETTE
MICHAEL J. MCBETH
COLLEEN M. MCBRATNEY
JONATHAN W. MCCLAIN
DEIRDRE M. MCCULLOUGH
JETT J. MERCER
PETER G. MICHAELSON
LISA D. MIHORA
JASON C. MILLER
ALI D. MORRELLBALANON
JASON L. MUSSER
CHRISTOPHER J. NAGY
XAVIER A. NGUYEN
SEAN P. OBRIEN
WILLIAM T. OBRIEN
JACOB B. OLDHAM
MARIBEL B. ORANTE MANGILOG
VICTOR L. ORTIZ ORTIZ
PATRICK M. OSBORN
LOUIS J. PAPA
AMY L. PARKER
MICHAEL W. PEELLE
RICHARD M. PETERSON
KULLADA O. PICHAKRON
TARA N. PIECH
JEANNETTE E. PRENTICE
CHARLA M. QUAYLE
ALEXIES RAMIREZ
JEFFREY MICHAEL RENGEL
CHRISTOPHER O. RESTAD
KEYAN D. RILEY
JOSHUA J. SACHA
FRANK M. SAMARIN
ROBERT SARLAY, JR.
SIRIKANYA SASTRI
SIRAJ A. SAYEED
RICHARD J. SERKOWSKI
CECILI K. SESSIONS
FAREED A. SHEIKH
LUCAS M. SHELDON
DARREN L. SHIRLEY
JEFFREY A. SIMERVILLE
DAVID J. SIMMONS
LUKE B. SIMONET
WILLIAM K. SKINNER
JOSEPH C. SKY
MARK A. SLABAUGH
JEFFREY A. SODERGREN
CHRISTINE E. STAHL
THOMAS W. STAMP
SHAYNE C. STOKES
ADRIAN K. STULL
KEITH A. SWARTZ
CHRISTINE E. THOLEN
ADRIANNE THOMPSON
JILL M. TIA
RODNEY E. TODD
DMITRY TUDER
BRYAN J. UNSELL
MEGUMI M. VOGT
PENNY J. VROMAN
DAVID J. WALICK
SHAKA M. WALKER
ERIK K. WEITZEL
DARREN E. WHITTEMORE
DERRICK B. WILLSEY
ANDREW L. WINGE
JOHN W. WOLTZ
ROBERT B. WOOLLEY
MICHELLE M. WUESTE
CHRISTOPHER K. WYATT
ASSY YACOUB
EDWARD K. YI
ANTHONY I. ZARKA
DAVID H. ZONIES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MICHAEL J. ALFARO
BRADFORD C. ALLEN
MERRILL L. ALLEY
SHELRETHIA BATTLE SIATITA
WONIL W. CHONG
BRIAN M. CLEMENT
BRANDON J. CUMMINS
HEATHER K. DELONEY
MICHAEL G. DIFELICE
JUSTIN L. DRAB
MARGARET S. ENOCH
ROBERT E. FULLER
CHAD A. GUSTAFSON
RICHARD K. HOWARD
EMILY TATE IBARRA
CLAY J. JENSEN, JR.
DANA A. JENSEN
AMY SCHULTZ KAUVAR
PAUL H. KIM
HUMAIRA F. MASOOD
TEQUILLA N. MCGAHEE
KIBROM T. MEHARI
AUDRA D. MYERS
MICHAEL G. NEILSON
TENESHIA S. NELSON
DAN NGUYEN
CHRISTOPHER S. NUTTALL
MATHEW G. PALMER
ZACHARY E. PERRY
PATRICK B. RICKHEIM
WILLIAM D. ROBINSON, JR.
CHRISTOPHER B. SAMPAIR
DAVID F. SERVELLO
ZOYA SKY
PAUL A. SMITH
RIAN W. SUIHKONEN
TAD C. THOLSTROM
DARNELL R. THOMAS
TIBEBU M. TSEGGA
JOSHUA A. VESS
JAMES A. WEALLEANS
DAVID E. WEBB
BRYAN M. WILSON
SARA M. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

COREY R. ANDERSON
RICHARD A. BUCK
MAURICIO C. CAROTA
BRETT M. CHUNG
MICHAEL J. CHUNG
JOHN C. DAVIS
BRENDAN T. FARRELL
SAMUEL L. HAYES
MARK W. HENDERSON
JOE W. HOWARD

DAVID E. KLINGMAN
KURTIS G. KOBES
ELIZABETH N. KUTNER
JERRY L. LEONARD
WEN LIEN
TRENT W. LISTELLO
JAMIE J. MORRIS
RACHELLE M. NOWLIN
BRIAN W. PENTON
TERESA E. REEVES
SONG B. RHIM
LEONARDO M. RIOS ANDERSEN
STEVEN F. ROBERTSON, JR.
ANDREW J. STOY
SON X. VU

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

BRIAN L. BEATTY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JON C. CANNON

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOE H. ADKINS, JR.
JOHN L. ALBERS
TRAY J. ARDESE
JON M. AYTES
JAMES M. BAKER
ANTHONY S. BARNES
SCOTT F. BENEDICT
PAUL F. BERTHOLF
ANTHONY J. BIANCA
STEFAN E. BIEN
JASON Q. BOHM
WILLIAM J. BOWERS
MARK T. BRINKMAN
THOMAS A. BRUNO
GLEN G. BUTLER
CHRISTIAN G. CABANISS
MICHEL C. CANCELLIER
JOHN J. CARROLL, JR.
MITCHELL E. CASSELL
BRIAN W. CAVANAUGH
CLIFFORD D. CHEN
JEFFREY S. CHESTNEY
JAMES D. CHRISTMAS
VINCENT E. CLARK
SHAWN J. COAKLEY
SHANE B. CONRAD
MATTHEW H. COOPER
MATTHEW R. CRABILL
CHARLES M. CROMWELL
ROBERT D. CURTIS
DONALD J. DAVIS
MATTHEW A. DAY
TODD S. DESGROSSEILLIERS
JEFFREY J. DILL
TODD S. ECKLOFF
KATHERINE J. ESTES
JOHN P. FARNAM
ANTHONY A. FERENCE
ROBERT A. FIFER
JOHN S. FITZPATRICK
MICHAEL D. FLYNN
TODD D. FORD
JAMES S. FRAMPTON
TYSON B. GEISENDORFF
SEAN D. GIBSON
GREGORY G. GILLETTE
FLAY R. GOODWIN
GERALD C. GRAHAM
VERNON L. GRAHAM
STEVEN J. GRASS
THOMAS E. GRATTAN III
JESSE L. GRUTER
GLENN R. GUENTHER
WAYNE C. HARRISON
RYAN P. HERITAGE
JAMES B. HIGGINS, JR.
JONATHAN W. HITESMAN
TODD A. HOLMQUIST
CHRISTOPHER W. HUGHES
JAMES T. JENKINS II
JEFFREY J. JOHNSON
PAUL H. JOHNSON III
RICHARD E. JORDAN
GARY F. KEIM
BRIAN M. KENNEDY
GLENN M. KLASSA
ERIC R. KLEIS
TIMOTHY A. KOLB
ANDREW J. KOSTIC, JR.
ERIK B. KRAFT
DANIEL T. LATHROP
KEVIN J. LEE
STEPHEN E. LISZEWSKI
TODD W. LYONS
ARTURO J. MADRIL
BRIAN L. MAGNUSON
JOHN A. MANNLE
ANTHONY J. MANUEL
GREGORY R. MARTIN
RICARDO MARTINEZ
DOUGLAS S. MAYER
ROBERT E. MCCARTHY III
DEBORAH M. MCCONNELL
BRANDON D. MCGOWAN
ARCHIBALD M. MCLELLAN
CHRISTOPHER A. MCPHILLIPS
JOHN S. MEADE
JOHN P. MEE
MARK J. MENOTTI
JOHN E. MERNA
ANDREW R. MILBURN
LAWRENCE F. MILLER
MICHAEL A. MOORE
JOSEPH M. MURRAY
CHRISTOPHER L. NALER
TODD J. ONETO
DUANE A. OPPERMAN
CHRIS PAPPAS III
TIMOTHY M. PARKER
ARTHUR J. PASAGIAN
DOUGLAS R. PATTERSON
RICHARD W. PAULY
JOHN M. PECK
VON H. PIGG
WILLIAM N. PIGOTT, JR.
TRAVIS M. PROVOST
STEPHEN E. REDIFER
JOHN M. REED
KEITH D. REVENTLOW
GEORGE W. RIGGS
DONALD J. RILEY, JR.
DAVID W. ROWE
JOSEPH J. RUSSELL
KEITH E. RUTKOWSKI
MARK G. SCHRECKER
STEPHEN S. SCHWARZ
ROBERT R. SCOTT
CHARLES L. SIDES
STEVEN A. SIMMONS
ROBERT B. SOFGE, JR.
MARK E. SOJOURNER
JOSEPH P. SPATARO
CLAY A. STACKHOUSE
ROGER D. STANDFIELD
SCOTT F. STEBBINS
JAMES A. STOCKS
DANIEL M. SULLIVAN
MICHAEL W. TAYLOR
DAVID C. THOMPSON
ALPHONSO TRIMBLE
MATTHEW G. TROLLINGER
JEFFREY D. TUGGLE
LORETTA L. VANDENBERG
MICHAEL E. WATKINS
SEAN D. WESTER
DWAYNE A. WHITESIDE
TIMOTHY E. WINAND
JOSEPH A. WOODWARD, JR.
JAMES B. ZIENTEK

EXTENSIONS OF REMARKS

RECOGNIZING LIEUTENANT DAMON LOVELESS, UNITED STATES NAVY

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. WITTMAN. Madam Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Damon Loveless, United States Navy.

For the past year, Lieutenant Loveless, who has already been selected to become a Lieutenant Commander, served on my staff as a Congressional Defense Fellow. In the last six months of his assignment, he served as my Military Legislative Assistant and as my principal staff member responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Loveless executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Furthermore, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Subcommittee Ranking Member and the U.S. Naval Academy in my role as a member of the Board of Visitors.

Lieutenant Loveless directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In addition to his efforts on behalf of the First District, Lieutenant Loveless took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government.

Lieutenant Loveless' work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Loveless and his family for the service and sacrifice they make for our Nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the 1st District of Virginia. Lieutenant Loveless is headed back to the Fleet to assume his duties at sea as a leader and mentor to our Nation's Sailors. Furthermore, he is going back into harm's way to execute his trade as Naval Aviator, flying the F/A–18 Super Hornet. I have no doubt that Lieutenant Loveless will continue to serve the United States Navy honorably and with distinction.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Damon Loveless stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

Lieutenant Damon Loveless, thank you. Best of luck to you and God bless you, your family, and your fellow men and women in uniform.

A TRIBUTE TO MRS. ADELE V. TRAPP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Mrs. Adele V. Trapp.

For 53 years, Mrs. Trapp has served as Den Mother to Cub Pack 263 of the Greater New York Council of Boy Scouts of America, located at St. Philip's Episcopal Church. This dedication earned Mrs. Trapp a spot in the Guinness Word Book of Records.

Mrs. Trapp was born in Barbados, West Indies, and will be turning 97 on February 26th. She is a founding Board Member of St. Mark's Day School and recently retired from the New York City Department of Education, where she received a Quality of Work Life Program Award for 30 years of dedicated service. At the time of her retirement, she was the oldest employee in the Department of Education; this feat was acknowledged in a feature article published in the New York Daily News. Prior to her work with the Department of Education, Mrs. Trapp served as Secretary to the Comptroller in the New York City Transit Authority.

Mrs. Trapp has been honored for her community service by countless officials and organizations, including Brooklyn Borough President, Marty Markowitz and the Crown Heights Lions Club.

In addition to her honors and accolades, Mrs. Trapp is a proponent of the nation's labor movement. As a proud member of DC 37 and the Union shop steward, Mrs. Trapp provided key testimony in the Union's successful efforts to get the Department of Education to pay paraprofessionals on Brooklyn/Queens Day and to compensate them for previous unpaid work on those days.

Mrs. Trapp also has a strong commitment to her faith. She has been a member of St. Philip's Episcopal Church for 67 years and received two awards: the Service to Church and Community Award from St. Matthew's Deanery and the Bishop's Medal of Distinguished Parochial Service.

Besides enjoying the company of her large family and many friends, Mrs. Trapp has been a bowler for 50 years and is a member of the Women's International Bowling Congress. In 2009, she was recognized in El Paso, Texas, for her 30 years of participation in the natural tournaments.

Madam Speaker, I urge my colleagues to join me in recognizing the achievements of Mrs. Adele V. Trapp.

CELEBRATING THE BIRTH OF MELIA ENNE WOODWARD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to celebrate the birth of Melia Enne Woodward. Melia was born on Friday, September 10, 2010, to her proud parents, Ryan and Kristin Woodward of Fruita, Colorado. Melia entered the world at 12:32 p.m. at St. Mary's Hospital in Grand Junction, Colorado, weighing a healthy 7 lbs. 0.7 oz. and 19.5 inches long. Melia also joins her sister, Elliana Kaye Woodward.

Melia also has proud grandparents, Susan Kaye Tanner of Laramie, Wyoming, Cheryl Farmer of Sidney, Nebraska, as well as Bruce Woodward of Maryville, Missouri, to spoil her. Also looking after her from heaven is the late Darrell Earnest Hall of Sidney, Nebraska. Melia is also the nephew of Travis and Sarah Woodward of Kansas City, Missouri, Nathan Woodward of Maryville, Missouri, Sarah Hall of Grand Junction, Colorado, Zach Hall and Zane Hall both of Sidney, Nebraska.

Madam Speaker, I proudly ask you to join me in celebrating the birth of Melia Enne Woodward. I see great things in Melia's future considering her parents' and grandparents' great emphasis on family values, service and patriotism.

I wish Melia the best life has to offer.

CONGRATULATING MAJOR GENERAL GREGORY WAYT ON HIS UPCOMING RETIREMENT FROM THE OHIO NATIONAL GUARD

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. TIBERI. Madam Speaker, with great pleasure I rise to recognize the distinguished career of my constituent, Major General Gregory Wayt on his upcoming retirement from the Ohio National Guard.

The inception of the National Guard dates back over 370 years. Since its origin as colonial militias, the National Guard has protected our nation, has participated in every armed military engagement, and has responded to natural disasters and local emergencies. Guardsman, activated by the state or federal government, respond to protect our citizens. This commitment by National Guardsmen has been vital to the security of our country and the preservation of our liberties. This incredibly important branch of our armed forces' dedication to freedom and safety extends not only to our citizenry but to many around the world.

Major General Gregory Wayt has served in the United States armed forces for 35 years. Throughout his career, MG Wayt has earned many accolades and achievements for his supreme leadership qualities and unwavering commitment to the guard. Since his appointment as Adjutant General of Ohio's 17,000 guardsmen and women in 2004, the Ohio Guard has received national recognition for its professionalism and for the commitment of its war fighters. Truly, they have lived up to their motto: "When called, we will respond with ready units!" The success and outstanding reputation of the Ohio National Guard reflects MG Wayt's caliber of leadership. His long and illustrious career serving our great state and nation will be remembered. I am proud to recognize the achievements of such a fine American.

Once again, congratulations to Major General Gregory L. Wayt on his retirement from the Ohio National Guard. He has left an outstanding legacy. On behalf of the citizens of the 12th Congressional District of Ohio, please accept our gratitude for many years of service and sacrifice.

RECOGNIZING NATIONAL ALZHEIMER'S DISEASE AWARENESS MONTH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in recognition of National Alzheimer's Disease Awareness Month, which took place in November. Although November has passed, it is never too late to raise awareness about this disease, which afflicts an estimated 5.3 million Americans, including 480,000 in my home state of California, and affects another 11 million family members and friends who provide countless hours of unpaid care to those suffering from Alzheimer's and other forms of dementia. This is a disease that exacts high tolls from the American public, both financially and emotionally, and we must do all we can to eradicate it.

I urge my colleagues to commit to take action to support caregivers, and to invest in research and education so that we may diagnose, treat, and eventually find a cure for Alzheimer's.

A TRIBUTE IN HONOR OF THE LIFE OF JOSEPH R. CERRELL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. ESHOO. Madam Speaker, I rise today to honor the extraordinary life of Joseph R. "Joe" Cerrell, iconic political consultant and one of the longtime pillars of the Los Angeles community, who died on December 3, 2010, in Camarillo, California. A political consultant before the profession existed, Joe Cerell filled his dynamic 75 years with public affairs, public relations and public service.

There's a classic photo of John F. Kennedy riding through a Los Angeles ticker-tape parade, with a grinning Joe Cerrell sitting right in the front of the car. That was Joe—always smiling, always, out front, always driving the process—and of course, always showered in adulation. For five decades, Joe's passion, principle and unrivaled political acumen influenced state and national politics, and his forward-thinking work truly helped shape the country and modern California, his adopted home.

Joe Cerrell was born June 19, 1935 in New York City, to Sal, a firefighter, and Marion Cerella, a switchboard operator. No doubt it's from his parents that Joe learned to put out political fires and to organize and connect people with legendary efficiency. Moving west to Los Angeles in his teens, Joe Cerrell finished high school and enrolled at USC. It was there, after founding the Trojan Democratic Club, that Joe began his lifelong political career. As a junior, he began arranging Kennedy's California visits, ultimately becoming Kennedy's California personal aide. Having caught the attention of Jesse Unruh, Joe soon found himself working on Unruh's State Assembly campaign, and later, on Attorney General Edmund G. "Pat" Brown's gubernatorial campaign.

After graduating in 1957 with a degree in Political Science, 24-year-old Joe was tapped by Unruh to head the California Democratic Party, the youngest ever to lead the state party. Joe then served as Kennedy's California campaign manager in 1960, an experience that ultimately led Joe to both his greatest love and greatest heartbreak. At Kennedy's urging, Joe became engaged to Lee Bullock, a fellow campaign worker. After Vice President Johnson asked them to postpone their wedding in order to staff an event, the couple finally celebrated their wedding. While on their honeymoon in Paris, Joe and Lee read about Kennedy's assassination and wept with the world.

Together with Lee, Joe founded his own political consulting firm in 1967, Cerrell Associates. Over the years, Joe advised the presidential campaigns of Kennedy, Johnson, Hubert Humphrey, Lloyd Bentsen, John Glenn, and Al Gore. His statewide clients included the likes of Willie Brown and Jerry Brown, whom Joe first helped win a seat on the Los Angeles Junior College Board in a 124-candidate race. In later years, Joe's outstanding record of electing judicial candidates earned him the title of "the judge-maker." Notable dignitaries such as the Dalai Lama and His Holiness Catholicos Vazken I and Catholicos Karekin I sought out Joe to manage their California tours, with the latter earning Cerrell Associates a "Best Special Event" Award from the Public Relations Society of America—Los Angeles. Their long list of clients was a testament to Joe's extraordinary management and strategic skills, and the firm expanded their influence by adding a Washington, D.C. office in 1983, eventually becoming the 43rd-largest independently owned PR firm in the country.

This success earned Joe countless accolades. He won a PRism Award for being an "Outstanding PR Professional" and Cerrell Associates was named "Small Family-Owned Business of the Year" by the Los Angeles Business Journal. Embracing his role as one of Los Angeles' most prominent political professionals, Joe served as president and on the boards of both the American Association of Political Consultants and the International Association of Political Consultants.

In addition to his professional work, Joe found time to become one of Los Angeles' most involved and civic-minded residents. He served on the Los Angeles Memorial Coliseum Commission during the 1984 Olympics and was chairman of the Hollywood Wilshire YMCA. Returning to his alma mater, he cofounded and taught at USC's Jesse M. Unruh Institute of Politics, and lectured widely across the country. For his years of outstanding contributions to the city, the Central City Association named Cerrell a "Treasure of Los Angeles." But despite all that he did for his adopted hometown, Joe Cerrell never abandoned his New York roots, often requiring family and colleagues to play Frank Sinatra's "New York, New York" at events. That was the sense of humor and zest for life Joe brought with him everywhere.

Madam Speaker, I ask my colleagues to join me in extending our deepest condolences to Joe Cerrell's wife, Lee; his children, Steve, Sharon and Joe; his sons- and daughters-in-law; and his seven wonderful grandchildren. Joe Cerrell embodied a time of political engagement and civility that made him one of the most sought-after political commentators and earned him friends across the political spectrum. He was a progressive pioneer, credited with helping "to create modern political consulting" by Professor Ann N. Crigler, Chair of USC's Political Science Department, and praised as "a great champion of progressive political causes" by former Vice President Al Gore. His death truly represents the passing of an era, and for me, the passing of a dear friend. I'm honored to pay tribute to Joe Cerrell for his incredible role in shaping our State and our country.

HELPING THE IRANIAN OPPOSITION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. FILNER. Madam Speaker, on November 16th, 2010 I held a briefing on my bill H. Res. 1431, which urges the Obama administration to remove the main Iranian opposition group, the People's Mojahedin Organization of Iran (PMOI/MEK) from the list of Foreign Terrorist Organizations. This bill has been co-sponsored by 109 Members of the House of Representatives.

In a letter to the Secretary of State Hillary Rodham Clinton on that same day, I was joined by my colleagues and brought the resolution to the attention of the Secretary and urged her to delist the PMOI. Below are the remarks that I made to the Members and Staff gathered at the briefing:

> We have introduced Resolution 1431, which calls upon the U.S. government, the President, the Secretary of State to remove the Peoples Mojahedin Organization of Iran . . . from the State Department list of Foreign Terrorist Organizations . . . Like other parliaments around the world, we in the United States Congress believe that this organization does not qualify to be on the FTO list both on legal and political grounds. Removing the MEK from the FTO list is not only the right thing to do but sends the right message to Iran.
>
> I would like to thank the President-elect of the National Council of Resistance of Iran,

Mrs. Rajavi, who has not only led this fight, but has also offered all kinds of assistance to the residents of Camp Ashraf.

HONORING MR. JOHN E. BAIR

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of John "Jack" E. Bair, a proud veteran, father, grandfather, and great-grandfather who passed away on November 17th, 2010.

Mr. Bair was born on May 9th, 1928 in Ripley Township, Minnesota. He was the youngest of Basil E. Bair and Lela Beth Bunnell's four children. Jack joined the United States Army in 1943, serving our country for 31 years and eventually retiring in 1974 as a Chief Warrant Officer Four. For his service to his country, Chief Bair was awarded the WWII Victory Medal, the United Nations Service Medal, and the Korean War Service Medal. He played a critical role training his fellow soldiers in the deployment of the National Air Defense Systems as well as the implementation of the Nike and Hercules missile systems.

During the course of his life Mr. Bair lived and served in South Korea, the South Pacific, Turkey, Alaska, Colorado, California, Alabama, and Minnesota. After his retirement from the Army, Jack settled with his family in Ashland, Oregon and eventually moved to his home in Cibolo, Texas. Jack was an avid reader and a feared billiards and cribbage opponent. He excelled in hunting, fishing, water skiing, bowling and pinochle.

Jack is survived by his wife of 48 years, Mardell Rae Bair, his daughter Genie Jones and her husband Mike, his daughter LeyAnn Pyne and her husband Kevin, his son John T. Bair and his wife Amy, his daughter-in-law Dawn Bair, and his many grandchildren and great-grandchildren. He happily joins his brothers, Eugene and Robert Bair, as well as his sons, Daniel and Jason Bair.

Jack Bair lived a life of honor and service to both his country and family. He passed on the importance of hard work and doing things right the first time to all those he met. Madam Speaker, I ask my fellow members to join me in honoring the life of John E. Bair and the lasting legacy he leaves behind.

HEALTHY, HUNGER-FREE KIDS ACT OF 2010

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 1, 2010

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in support of the Healthy, Hunger-Free Kids Act of 2010, S. 3307, to reauthorize and improve the child nutrition programs and the Special Supplemental Program for Women, Infants, and Children, WIC. Further, I wish to expand upon my floor remarks to clarify the intent of my support for specific provisions included in this legislation.

This legislation makes important improvements to improve children's access to the child nutrition programs, improve quality of nutrition benefits provided, protect the Federal investment, and promote financial solvency of program providers. S. 3307 provides robust reforms that inspire public-private partnerships, ensure better stewardship of Federal funds, and better meet the nutritional needs of children.

Many of these provisions included in S. 3307 were also considered in H.R. 5504, The Improving Nutrition for America's Children Act, which was reported favorably out of the Committee on Education and Labor on July 15, 2010 with a bipartisan vote of 32–13. I am pleased that both pieces of legislation share many critical priorities to strengthen the child nutrition programs and provide the following clarifications on provisions within S. 3307.

IMPROVING ACCESS TO SCHOOL MEAL PROGRAMS

First, this legislation authorizes the Secretary to directly certify eligible children for free school meals using Medicaid data. Direct certification is a method to automatically enroll eligible low-income children for free school meals using data from specific means tested programs, including the Supplemental Nutrition Assistance Program, the Temporary Assistance for Needy Families program, or the Food Distribution Program on Indian Reservations.

Direct certification of eligible children for free schools meals reduces household and administrative burden, and can improve program integrity by relying on electronic data matching systems rather than household income applications. Direct certification using Medicaid data has the potential to be a very promising mechanism to substantially reduce the number of families that have to complete a household application for school meals in addition to other Federal means tested programs with similar income requirements.

While H.R. 5504 established a nationwide option for all States to utilize direct certification using Medicaid data, S. 3307 limits implementation to a demonstration project in school districts selected by the Secretary. Despite the more limited scope, the Congressional Budget Office estimates that this provision will connect approximately 115,000 more eligible children with free school meals each year that currently do not participate.

Furthermore, I commend the Secretary of Agriculture for committing to take additional administrative action to bolster this legislation and further improve children's access to the school meal programs by testing new effective methods for maximizing the use of direct certification to improve eligible children's access to free and reduced price school meals. Upon passage of this legislation, I urge the Secretary to maximize the potential of direct certification using Medicaid data by using the pilot authority established in section 18(c) of the Richard B. Russell National School Lunch Act to test specific methods that may more effectively identify eligible children. Specifically, I encourage the Secretary to use this authority to identify effective statewide direct certification systems using Medicaid data, or to test methods by which Medicaid data may be effectively used to directly certify eligible children for reduced price meals.

Secondly, this legislation creates new alternatives for low-income schools and districts to count and claim reimbursable meals by establishing additional community-data based methods rather than household applications. Section 104 of this legislation allows the Secretary to reimburse high-poverty schools or districts based on an approximation of the number of students who would qualify for free or reduced priced meals. The Secretary will make this determination based on data from direct certification or other rigorous community survey data to determine the percent of children attending schools or districts that are income eligible for free or reduced price school meals. This provision makes school meals more accessible to low-income children and will significantly reduce administrative burden for schools.

It is important that the Secretary recognize that the authority provided by this provision allows these alternative counting and claiming methods to be available to any school or district nationwide, consistent with the parameters of the provision. There are approximately 12,000 schools in which more than 80 percent of students are certified for free or reduced price meals. I urge the Secretary to ensure that these new options for counting and claiming reimbursable meals be available to all eligible high-poverty schools that elect to participate, to conduct appropriate outreach, and to provide necessary technical assistance to support adoption and compliance.

INCREASING PARTICIPATION IN THE SCHOOL BREAKFAST PROGRAM

I am pleased that this legislation includes section 105, an authorization of grants to expand the school breakfast program. This provision recognizes the important role that the school breakfast program plays in promoting diet quality, learning, and curbing child hunger. This section authorizes the Secretary to focus technical assistance and support to increase children's access to this program by implementing best practices to provide breakfast, including through tested best practices such as breakfast in the classroom or by offering the meal service as part of the school day.

I am disappointed, however, that this legislation does not provide critical funds to help schools overcome initial start-up barriers, such as minor equipment costs or inadequate staffing. Barriers such as these can preclude schools from moving toward sustainable school breakfast program improvements. I appreciate, though, that the Secretary has expressed his commitment to expanding children's access to this important program through administrative actions which encourage best practices in school breakfast programs such as meal delivery outside of the cafeteria and the offering of school breakfast as an integral part of the school day. The Secretary's commitment will help to ensure that children who want to participate are able to participate in school breakfast programs.

IMPROVING DIET QUALITY THROUGH THE SCHOOL MEALS PROGRAMS

I understand the Secretary is currently working to promulgate proposed regulations to update the school meal nutrition standards to reflect the recommendations from the Institute of Medicine. The last time that the nutrition standards for school meals were revised was in 1995. Improvements to reflect current science are long past due and I urge the Secretary to work expeditiously to promulgate proposed regulations to update school nutrition standards.

There have been concerns expressed by stakeholders that the improvements necessary for the school meal patterns to reflect current

nutrition science will require additional investment to cover higher food costs and other increases in foodservice costs. The Institute of Medicine, in their report to the Secretary that included science-based recommendations to update the school meal patterns, estimates that if the Secretary were to fully implement their recommendations that food costs may increase by 4 to 9 percent for lunch and 18 to 23 percent for breakfast.

S. 3307 provides an additional 6 cent reimbursement for all reimbursable lunches served that meet the new nutrition requirements, and provides a total of $100 million over 2 years for technical assistance to support implementation of new requirements for healthier meals. This additional Federal support is adequate to make important changes to the quality and safety of the school meals programs. I remain concerned, however, about imposing unfunded mandates on schools and urge the Secretary to ensure that the final nutrition standards consider cost and additional burden that would be borne by school districts and school foodservice for compliance.

NATIONAL NUTRITION STANDARDS FOR FOODS SOLD IN SCHOOLS

This legislation includes a provision, section 208, that requires the Secretary to update nutrition standards for foods sold in competition with the school meals through vending machines, a la carte lines, and school stores. The sale of unhealthy foods and sodas in schools undermines the annual $12 billion federal investment in these programs.

The standards would apply to foods sold throughout the school campus and during the school day. Section 208 requires the Secretary to establish standards based on the most recent Dietary Guidelines for Americans and take into consideration authoritative scientific recommendations, existing State, local, and voluntary industry nutrition standards, and the practical application of the standards. Section 208 does not affect school parties or classroom celebrations, and provides a special exemption for school-sponsored and approved fundraisers that occur infrequently within the school during the official school day.

Current regulations for competitive foods have not been updated in 30 years, despite significant improvements in our understanding of nutrition science, and escalating childhood obesity rates. Current competitive food regulations apply only to a limited number of items sold in the food-service area during meal times. While there have been many voluntary improvements at the State and local levels, as well as across the food and beverage industry, there continues to be drastic inconsistencies that impact schools' economies of scale, as well as failing to ensure children, regardless of where they live and attend school, have access to school environments that give them opportunities to make healthful decisions. This provision would give the Secretary authority to ensure schools apply minimum nutrition standards throughout the school day and the school campus.

There have been concerns expressed by certain stakeholders that these nutrition standards will reduce important revenue generated to support school programs and activities. According to studies conducted by the Department of Agriculture, the Center for Disease Control, and the Center for Weight and Health at U.C. Berkeley, the majority of schools switching to healthier competitive foods don't lose money, but actually increase revenue.

I urge the Secretary to work expeditiously to promulgate regulations to establish nutrition standards for foods sold in schools. In developing and implementing these regulations, I further urge the Secretary to ensure that there is ample opportunity for public comment and engagement to ensure that this important reform is implemented in a responsible manner, that prioritizes children's health, and ensures necessary flexibility for schools.

IMPROVING DIET QUALITY IN THE CHILD AND ADULT CARE FOOD PROGRAM

The Child and Adult Care Food Program is critical to improving young children's diets, reducing the risk of unhealthy weight gain, and helping them start school ready to learn. More than 3.5 million children under age five are cared for in childcare centers, and many more are cared for in less formal arrangements. Children spend more than 30 hours a week in childcare, on average. Childcare providers share significant responsibility in promoting children's healthy growth and development.

The Child and Adult Care Food Program helps to provide critical support to childcare providers to ensure children have access to healthy meals, snacks, and childcare environments. Research has shown that children who consume meals at childcare through the Child and Adult Care Food Program eat healthier food than children who bring meals and snacks from home.

Many childcare providers participating in the Child and Adult Care Food Program have made significant improvements recently to improve the quality of food provided in the program, as well as to promote healthier childcare environments. Childcare providers, especially those providing less formalized care in family homes, can benefit from information on best practices employed by other providers, as well as ongoing technical assistance and guidance.

Section 221 of this legislation supports the identification and dissemination of best practices to promote healthy childcare environments, nutrition quality, and physical development and activity opportunities for young children. I strongly encourage the Secretary, and in providing guidance to States, to ensure that costs associated with improving nutrition and wellness in childcare be given significant consideration before making any voluntary or required improvements to the nutrition quality of meals and snacks provided through the Child and Adult Care Food Program.

I urge the Secretary to ensure that providers have access to technical assistance and guidance that specifically addresses ways to improve the quality of meals and snacks without increasing costs. If the Secretary identifies that additional Federal support is necessary to ensure that reimbursable meals and snacks provided in the Child and Adult Care Food Program reflect current nutrition science, I urge the Secretary to provide Congress with legislative recommendations to ensure that this Program continues to meet the nutritional needs of young children.

ADEQUATE RESOURCES FOR QUALITY SCHOOL MEALS

School meal programs are funded through a long-standing partnership of Federal, State, local governments, and support from parents. This partnership has ensured the success of these programs and helped them remain financially solvent. However, a USDA study found that the average revenue collected for meals served to children not eligible for the meal program equaled only about 81 percent of the federal reimbursement provided for free lunches.

I recognize that the Federal reimbursement for free meals is intended to cover, on average, the average costs of providing a reimbursable meal that meets the nutrition requirements. All children, however, regardless of whether they receive free, reduced price, or paid meals must have access to the same reimbursable meals. I am concerned that school food authorities often do not generate adequate supplemental revenue from non-Federal sources to cover the average costs of providing a reimbursable meal that meets the Federal nutrition requirements. As a result, many school food authorities must cut costs that compromise the quality, nutrition, taste, and service of school meals for all children. This undermines the intent of the Federal investment.

This legislation includes a provision, section 205, to ensure that school foodservice programs have adequate resources to provide nutritious meals that meet the minimum nutritional requirements and balance the budget at the end of the year. Section 205 requires that school districts account for revenue generated for the school lunch program from Federal and non-Federal sources, and if the district is generating an average revenue that is less than the Federal reimbursement for a free school meal, then the district must increase the average price across the district by (a) the margin of difference; or (b) no more than 10 cents, whichever is less.

This provision does not require school food authorities to raise school meal prices and it does not penalize families who must pay for their school meal. School districts retain the authority to establish local prices for paid meals and it is up to the school district to determine how to ensure there is adequate revenues to support the foodservice program in the school, based on the parameters established in this provision. Furthermore, this provision does not require that a school district charge the same price or generate the same revenue for each lunch served in each school. Schools and school districts retain local authority to determine prices, to generate adequate revenue, and to manage their programs to best meet their needs. I feel that this provision will offer schools greater flexibility in operating a high quality school nutrition program.

I urge the Secretary to provide guidance to school foodservice, school districts, and school administrators on all options for increasing non-Federal revenue. Options include, but are not limited to, local contributions, increasing State-level contributions, and generating revenue through greater use of school foodservice equipment. Schools should account for all revenue and exhaust all other revenue options prior to raising the prices charged to households with children not eligible for free or reduced price meals.

I am concerned that raising the price of a school lunch can place a burden on some households and about the impact that higher prices may have on participation. Participation in the school lunch program by children from all income levels is critical to ensuring that the school meal programs promote the health and well-being of all children, not just low-income children. I urge the Secretary to make the importance of participation a priority when promulgating regulations to implement section

205 and ensure that implementation does not negatively impact children's access to the program.

I also further request that the Secretary provide the Committee on Education and Labor and the Agriculture, Nutrition, and Forestry Committee in the Senate, annual reports describing implementation and an assessment of any consequences or impact from implementation. These reports should also include any recommendations for administrative or legislation adjustments to the policy, if necessary.

PROTECTING STUDENTS PRIVACY AND REDUCING STIGMA OF PARTICIPATION IN THE CHILD NUTRITION PROGRAMS

The school environment has an important influence on children's behavior and their choices, which can strongly impact their health and wellbeing. The cafeteria and food service setting, such as the display of foods, the integration of reimbursable school meals with foods sold outside of the reimbursable meal programs, and methods of payment can result in the unintentional identification of children by their household income status, or in social stigma for receiving reimbursable meals.

Children should be able to participate in the child nutrition programs with dignity and without consequence of social stigma. Currently, the Richard. B. Russell National School Lunch Act requires that school food authorities ensure children eligible for free or reduced price school meals are not overtly identified as low-income by their participation in the school meal programs. I am concerned, however, that the current guidance to school districts to ensure that children participating in the school meal programs are not overtly identified is not keeping up with the modern school food environment.

Section 143 of this legislation requires the Secretary to review local policies on meal charges and the provision of alternate meals for compliance with requirements for preventing overt identification. I urge the Secretary to also include in the review an examination of the design of the school foodservice area, the methods for conducting payment transactions, and policies for providing reimbursable meals to children from households with outstanding debt to identify ways in which these practices may result in a negative social or nutritional impact on children.

There are increasing examples of schools implementing policies to provide alternate reimbursable meals for children that lack sufficient resources to pay for the meal. I understand the critical importance of balancing school district and school foodservice budgets, and many schools are not in a position to cover the additional cost of offering meals at no charge to children who are not eligible for free reimbursable meals. However, I believe it is important for schools to establish thoughtful policies to address circumstances in which children lack sufficient resources to pay for school meals to ensure that these policies do not stigmatize children, and to ensure that children are not forced to go hungry because of situations outside of their control. For example, if a school has a policy to provide a different meal to children that lack sufficient resources to pay for a reimbursable meal, this practice can identify the child for having insufficient resources and can result in social stigma.

As part of this review, the Secretary should also identify ways in which the modern school food environment may inadvertently stigmatize children or fail to protect their privacy. For example, there is concern that when school foodservice areas separate lines for children with cash for non-reimbursable food and meals and children selecting reimbursable meals into other lines, that children selecting a reimbursable meal may be identified as low-income or otherwise differentiated from children paying cash for food.

In addition to the review and follow up actions required under provision 143 of this legislation, I urge the Secretary to provide schools with technical assistance and guidance to prevent overt identification. Furthermore, I urge the Secretary to reinforce policies regarding meal charges and alternate meals with guidance to States and school districts regarding appropriate efforts to determine whether children of households in arrears for school meal program payments may be eligible for free or reduced price school meals. Finally, in addition to enhanced technical assistance and guidance, I urge the Secretary to enhance oversight of schools' compliance with requirements to prevent overt identification to ensure schools are taking the necessary steps to protect the privacy of children participating in the school meal programs.

CONCLUSION

I feel strongly that these provisions are critical to the robust reforms to improve access to the child nutrition programs to end child hunger, to improve the quality of these programs to curb childhood obesity, and to better protect the Federal investment.

I look forward to working with the Secretary upon passage of this legislation to ensure effective implementation of this important legislation.

Today, I am pleased to support the Healthy, Hunger-Free Kids Act, and I urge my colleagues to do the same.

THE AMERICAN DREAM ACT

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. HINOJOSA. Mr. Speaker, I rise today to strongly urge my colleagues, on both sides of the aisle, to vote for the American Dream Act. This legislation provides conditional non-immigrant status to young individuals of college age who are eager to contribute to our nation's workforce, economy, and Armed Forces.

I personally want to thank the Coalition for Educational Opportunity at the University of Texas—Pan American, and the thousands of students, civil rights groups, and prominent education, business, and religious leaders who have fought tirelessly to pass the DREAM Act. In my congressional district, I want to recognize Alex Garrido and Dora Martinez, two courageous UTPA college students, who fasted for one week to express their support for the DREAM Act.

I am extremely grateful to Secretary of Education Arne Duncan, Defense Secretary Robert Gates, the former Secretary of State Colin Powell, Carlos Gutierrez, former Secretary of Commerce, and many chancellors and many university presidents for underscoring the urgency of passing the DREAM Act.

As Subcommittee chairman for Higher Education, Lifelong Learning and Competitiveness, I believe that our nation should encourage all students to succeed in school, particularly those students who are working hard and serving as role models to their peers. In the Río Grande Valley of deep South Texas and across the country, DREAM act students are exceptional young men and women. Despite facing difficult circumstances, these students have excelled in school, and become valedictorians, AP scholars, and distinguished student leaders.

Our nation cannot afford to turn away these talented youth. In order to remain competitive in the global economy, our country must train a new generation of highly skilled STEM professionals—scientists, engineers, and mathematicians—to bolster scientific discovery and spur the technological innovation that our nation desperately needs. Above all, these students will help our nation meet its college completion goals.

Our Armed Forces need courageous service men and women to ensure our Nation's military readiness. Our schools need great teachers to help us close the achievement gap.

I urge my colleagues to vote for the DREAM Act and give these deserving students a chance to make meaningful contributions to our Nation's workforce, economy, military and civic life.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. GRAVES of Missouri. Madam Speaker, on Tuesday, December 7, 2010 I missed rollcall votes 608, 609, 610. Had I been present, I would have voted "aye" on those rollcall votes.

IN RECOGNITION OF SHERIFF JOSEPH SPICUZZO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PALLONE. Madam Speaker, I rise today to congratulate Sheriff Joseph Spicuzzo, a life long resident of Central New Jersey and an outstanding member of the community. Throughout his tenure, Sheriff Spicuzzo has contributed to labor organizations, made innovative improvements to the Sheriff's Department operations and enthusiastically dedicated his time to charitable organizations. Sheriff Spicuzzo will retire from his position after dedicating thirty years of service to the Middlesex County Sheriff's office. Today, I applaud Sheriff Spicuzzo, as his accomplishments should serve as an inspiration to us all.

Sheriff Spicuzzo has a long and accomplished political career. From 1976 to 1980, Mr. Spicuzzo served as Mayor of the Borough of Spotswood, New Jersey. In April 1980, Mr. Spicuzzo was appointed Middlesex County Sheriff by Governor Brendan Byrne and completed an unexpired term. Since his appointment, Sheriff Spicuzzo has earned the respect and affection of his colleagues and constituents. He worked particularly well with the

members of the Middlesex County Board of Chosen Freeholders as, together, they addressed a wide variety of issues affecting the County and its residents. Sheriff Spicuzzo's sincerity and concern for his constituents was apparent, as he consistently worked to improve services, and insured that the public was treated with dignity and respect. He has also been a tireless supporter of local law enforcement as well as State and Federal agencies. During his tenure, Sheriff Spicuzzo has been instrumental in implementing specialized programs including DWI checkpoints and ''Operation Spinal Cord''. Foreclosure property listings have also been published on the intemet in advance, informing and assisting the County and its residents. Sheriff Spicuzzo's thirty years of service to the County Sheriff's Department is an example of unwavering commitment and devotion.

In addition to his role as Sheriff Mr. Spicuzzo has also served as Spotswood Democratic Municipal Chairman and Middlesex County Chairman. In his capacity as Middlesex County Chairman, he led the Middlesex County Democrats toward electoral success and increased the number of minority and women elected officials in the county.

Before entering politics, Sheriff Spicuzzo's background included extensive involvement with various labor organizations. Influenced by both his grandfather and father, Mr. Spicuzzo began as a member of the Laborer's Union Local 156 in New Brunswick, New Jersey. He also served as Business Agent for Local 196, International Federation of Professional and Technical Engineers. His passion and history with these organizations continues to reflect in his daily and political activities.

Sheriff Spicuzzo is well-known for his compassionate and charitable contributions. Specifically, he has been commended for his tireless efforts on behalf of the Middlesex County Heart Association, most notably during radio station WCTC annual telethon. He has also offered his services to the March of Dimes, National Cancer Association, American Red Cross, United Jewish Appeal, B'nai B'rith Anti-Defamation League and the Salvation Army.

As a result of his actions, Sheriff Spicuzzo was the recipient of the 1996 Hubert M. Humphrey Friend of Labor Award. He has also been honored with the 1980 ''Outstanding Young Man of America'' Award, the 1992 George Otlowski Citizen's League ''Man of the Year'' Award, the March of Dimes ''Franklin Award'', the Salvation Army ''OTHERS'' Award and was honored by the American Heart Association. Sheriff Spicuzzo currently resides in Helmetta with his wife, Mary Ann. He also has two children, JoAnn and Charlie, daughter-in-law Denise and two grandsons, Joey and Dominic.

Madam Speaker, please join me in acknowledging Sheriff Spicuzzo's thirty years of service as Middlesex County Sheriff. His dedication and commitment are positive examples of what steadfast determination and allegiance can accomplish.

PERSONAL EXPLANATION

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. CHU. Madam Speaker, yesterday, I was unable to participate in rollcall vote No. 609. Had I been present, I would have voted ''yes'' on H. Res. 1642, Recognizing the centennial of the City of Lilburn, Georgia, and supporting the goals and ideals of a City Lilburn Day. This year the City of Lilburn celebrated its centennial anniversary and I am proud to honor its history.

PERSONAL EXPLANATION

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. COHEN. Madam Speaker, I was detained from voting on Tuesday, December 7. If present, I would have voted yea on the following rollcall votes: rollcall 608, rollcall 609, and rollcall 610.

HONORING DONALD L. CARCIERI

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Donald L. Carcieri, Governor of the State of Rhode Island, for his remarkable leadership in the Ocean State. Governor Carcieri will conclude his second term as Governor in January after serving two incredible terms. His record of public service and advocacy for the people of Rhode Island is simply unmatched.

Governor Carcieri was inaugurated as Rhode Island's 57th Governor on January 7, 2003. A native Rhode Island resident, his election followed a career in business that was capped with his tenure as Chief Executive Officer of Cookson America and Joint Managing Director of Cookson Group Worldwide. He retired from that position in 1997.

Governor Carcieri, born December 16, 1942, was the first of Nicola and Marguerite Carcieri's five children. The family lived in East Greenwich where Nicola Carcieri was a beloved teacher and coach at the town high school. As a family man with four children and fourteen grandchildren, ten of whom live in Rhode Island, Governor Carcieri has always taken an active interest in what is going on in his community and the state.

Governor Carcieri has been instrumental in preserving the historic face of Providence: at his urging, the former Providence train station became the headquarters of Cookson America. The company offices overlooked Burnside Park on one side and the Rhode Island State House on the other. He exhibited unwavering leadership during the tragic Station nightclub fire and during the state's disastrous floods. He memorialized Rhode Island's heroes who fell during the wars in Iraq and Afghanistan.

I wish Don all the best in his future endeavors. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

20TH ANNIVERSARY OF THE FEDERAL HOME LOAN BANKS' AFFORDABLE HOUSING PROGRAM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. MOORE of Kansas. Madam Speaker, I rise today to recognize the 20th anniversary of a program that has truly served this Nation well: the Federal Home Loan Banks' Affordable Housing Program, AHP. The AHP is funded by contributions of 10 percent of the Federal Home Loan Banks' net income. The AHP represents the largest, single source of private sector grants for housing and community development in the country targeted at underserved segments of the market. The Federal Home Loan Banks have distributed nearly $4 billion in AHP funds since the program's initiation in 1990.

The AHP is a flexible source of grants and loans designed to help community-based lending institutions and their community partners develop affordable owner-occupied and rental housing for very low- to moderate-income families and individuals. Applicants are encouraged to leverage their awards with other funding sources, including conventional loans, government-supported financing, tax-credit equity, foundation grants, and bond financing.

The Federal Home Loan Banks' affordable housing funds are a significant driver of job growth, housing production, and expanded tax bases, according to a research study recently completed by The Hendrickson Company and The Shimberg Center for Housing Studies at the University of Florida. The study sought to quantify the ''ripple effect'' of AHP dollars in employment, broader development spending, and growth of municipal tax bases. By creating more jobs and building tax bases, as well as developing affordable housing, AHP funds are having a unique and very positive economic impact that goes far beyond the units AHP helps fund or the dollars AHP awards, researchers found.

Created by Congress in 1932, the Federal Home Loan Banks are 12 regional banks, cooperatively owned and used by financial institutions serving America's communities to finance housing and economic development. More than 8,000 lenders are members of the Federal Home Loan Bank System, representing approximately 80 percent of America's insured lending institutions. The Federal Home Loan Banks and their members have been the largest and most reliable source of funding for community lending for nearly eight decades.

As Congress turns to housing finance reform next year, I strongly encourage returning and new Members of Congress to consider the successes of the Federal Home Loan Bank System and seek to only build upon them in crafting a stronger, more stable housing finance system in the United States for generations to come.

JACKIE KENDALL AND STEVE MAX: CELEBRATING LIFETIMES OF ACHIEVEMENT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to celebrate two extraordinary individuals: Jackie Kendall and Steve Max. This week, they will receive the 2010 Midwest Academy Lifetime Achievement award, in recognition of their decades of work on behalf of economic and social justice.

Jackie and Steve will continue their work in the years to come, but they have already accomplished so much. It is not just their own lifetimes that deserve to be honored, it is the impact that they have had on thousands of other lifetimes. Through their work at the Midwest Academy—a non-profit training organization that teaches organizing skills—they have empowered tens of thousands of individuals who have gone on to make tangible improvements in their communities, our country and the world.

My dear friend Jackie Kendall has been the executive director of the Midwest Academy for 29 years. She is retiring this year from that position. I know she is looking forward to spending time with her fabulous husband, Jerry, and her children and grandchildren. But I cannot imagine Jackie sitting by quietly when she sees problems that need solving nor can I imagine that those who have come to rely on her for strategic guidance will let her alone.

Jackie is one of the most passionate and most creative people I know. I first met Jackie in the grocery store near my home in 1969. The butcher was red-faced and yelling at her and a few other women who had the audacity to ask him the age of the meat he was selling. His answer was, ''Go shop somewhere else, or I'll throw you out on your fannies, you geeks.'' This seemed unacceptable, though quite exciting, to me, so I went to find out. I immediately became involved in this housewives' campaign to get freshness dates on food, and immediately fell in love with Jackie Kendall. The rest is history. Dates on food products are nearly universal and Jackie Kendall went on to organize and inspire many, many more successful campaigns.

At the Midwest Academy, Jackie has had a partner in Steve Max, a denizen of the upper West Side of New York City, who helped get the Midwest Academy started in 1973. Working with Heather and Paul Booth, he helped design the original training curriculum—which includes the famous Midwest Academy strategy chart. Steve's clear economic analyses—peppered with the lessons he learned from his rabbi and shares with his listeners—have educated, inspired and entertained generations of activists.

Steve Max quite deservedly has a fan base across the country. He has worked with students and seniors, patients and scientists, with New Yorkers and Nebraskans, Pennsylvanians and Arizonans. Steve brings to his work not just an in-depth understanding of historic and macroeconomic forces but an ability to understand very local and distinctive concerns and problems, all seasoned with a unique and hilarious sense of humor. With those talents, he is able to craft specific strategies that work locally and globally.

Jackie and Steve have given individuals and organizations the skills and the confidence needed to make a difference in people's lives. They recognize that in today's world it is not always easy to take on powerful interests or to understand how large and complicated entities can be challenged successfully. The Midwest Academy was founded on the principle that—given the right training and tools—individuals can come together and build power. Over the years, they have trained student groups fighting for affordable tuition, seniors opposed to Social Security privatization, and rural groups eager to develop wind power.

In those and so many other efforts, Jackie, Steve and the Midwest Academy give people the tools they need to effectively participate in their communities and their government.

Jackie and Steve are true fighters for progressive change. They have built a foundation that will stand for generations to come.

HONORING CHIEF MASTER SGT. RICHARD L. ETCHBERGER

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. POMEROY. Madam Speaker, all of us have observed from time to time wounded heroes in uniform and with their loving families being guided through our Capitol by an energetic tour guide. I know we all appreciate the efforts made to reach out to those who are healing from the wounds of war and recognize them with these very trips to our Capitol.

The tour guide responsible for these visits is Albert Casswell and as I've come to know him, I have been deeply impressed by his commitment to those who have served our country.

This fall I asked Mr. Casswell to provide a tour for the family members of Chief Master Sergeant Richard Etchberger during the week Chief Etchberger was posthumously awarded the Congressional Medal of Honor for extraordinary heroism in service to our country.

During the Vietnam War he acted bravely to save the lives of his fellow airmen resulting in the tragic loss of his own life.

Mr. Casswell was moved as I was moved by meeting this wonderful family and learning the story of Chief Etchberger. He not only provided an exceptional tour for the family, he authored a poem in honor of Chief Etchberger and has inquired as to whether it was appropriate to include in the CONGRESSIONAL RECORD. I offer the poem of Mr. Casswell in appreciation of all he has done to help our soldiers and for his obvious concern for them and their families.

SOME THINGS, TIME CAN NOT ERASE

Some things, Time Can Not Erase
Some things, time can not erase. . . .
Some things, so high above all others are so placed. . . .
A place of Honor, and of most amazing grace!
That which brings such tears to our Lord's face. . . .
That which makes the Angels up on high. . . .
So begin to cry!
All in your most selfless sacrifice. . . .
To give up one's fine life. . . .
For no other gift so burns so bright!
Yes, Some things hold such a hallowed place. . . .
As to what new heights a soul can race. . . .
All in the darkness of most evil war . . . as when most courageous heart so soared!
That Heaven so insured. . . .
But, a place up on high . . . but with our Lord. . . .
Oh yes Richard, all in your Magnificent Honor In Death. . . .
All in that moment of truth, as when your fine heart so began to crest!
All In Valor, All In Honor and All In Most Selfless Death. . . .
As into that darkness, you so bravely marched off but to give your very best. . . .
As out into a future, all of those lives that you have so blessed. . . .
And what child may so come, from all of the lives that you helped to save my son. . . .
That may one day so Save The World, as Thy Will Be Done!
Because, Some things Time Can Not So Erase. . . .
For The Truth, Will. . . . Will Out All In The End, All In Honor's Place!
And Such Magnificent Patriots as you, who have so made these here United States!
For all of them and their families, Heaven so holds a place!
For all of those fine sons who had to cry, and ask why did daddy die?
And that lovely wife, who lost her best friend that night. . . .
And all of those tearful Christmases not by their sides. . . .
As all of those most swollen tear drops they all so cried!
And those beloved parents, whose great pain shall never die, and never end. . . .
And his Brothers, who but lost their best friend. . . .
Because, Some things. . . . Time Can Not So Erase!
Only when reunited in Heaven once again, will this pain so end this weight. . . .
So wipe all of those tears from your most swollen eyes!
For your lost love who now so up in Heaven as so resides, take comfort in this realized!
For Richard, your fine life was such a Tour de Force. . . .
As you so shined, so magnificently, so brilliantly. . . . so valiantly as you went forth!
All In Honor and Death, all in that uniform of The United States Air Force you soared!
As a great American Hero, you will ever live on evermore!
''Welcome Home, My Son. . . .''
For Richard, new wings upon you are worn. . . .
As An Angel In The Army of Our Lord. . . .
To watch over us evermore. . . .
As this day, we present to you. . . . The Medal of Honor, and to all your loved ones. . . .
Because, Some things. . . . Time Can Not Erase!

TRIBUTE TO PATRICK HATCH FOR HIS SERVICE AS A CONGRESSIONAL FELLOW

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. OLVER. Madam Speaker, the House Appropriations Subcommittee on Transportation, Housing and Urban Development will bid farewell next week to Patrick Hatch, who

has served as the Subcommittee's Congressional Fellow over the past year. Mr. Hatch will return to the Department of Housing and Urban Development, where he will continue to perform budget and oversight work, taking with him the extraordinary talents and insight he shared with the Subcommittee.

The Transportation Subcommittee was very fortunate to have Patrick as a part of the Subcommittee team this year. He did an outstanding job serving as a valuable member of our housing policy team, researching a variety of housing and transportation issues, preparing hearing and briefing materials, and managing the thousands of project requests that were submitted to the Subcommittee during the fiscal year 2011 appropriations process. In addition, Patrick had lead staff responsibility for oversight of the budgets of the Saint Lawrence Seaway Development Corporation, Research and Innovative Technology Administration, Department of Housing and Urban Development Office of Inspector General, Access Board, and Federal Maritime Commission.

Patrick's attention to detail, strong work ethic and excellent sense of humor set a high standard for the Subcommittee. His tremendous commitment to public service was evident in how he continually went above and beyond the call of duty by taking on additional assignments and working long hours to assist his Subcommittee colleagues and ensure a high quality piece of legislation. In every task, Patrick brought a sense of professionalism and passion to his work, and was a pleasure to work with, no matter how late the hour. Everyone who interacted with him during his service to the Subcommittee was greeted with a smile and a kind word, which is extraordinary, considering the difficult tasks and situations he dealt with each day.

I am profoundly grateful for Patrick's service to the Subcommittee over the past 12 months and I am confident that he will go on to achieve great things at the Department of Housing and Urban Development. I, along with my Subcommittee staff, wish Patrick all the best in his future endeavors.

HONORING PHILIP JOHNSTON

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Philip Johnston, Chair of the Board of the Robert F. Kennedy Memorial, for his stewardship in the opening of the Robert F. Kennedy Community Schools Complex in Los Angeles, California on September 13, 2010. Named after U.S. Senator Robert F. Kennedy, my uncle, the schools are devoted to social justice. Phil's work on behalf of the young people of Los Angeles is simply remarkable.

The 24-acre, $578 million schools complex on Wilshire Boulevard consists of six different schools for grades kindergarten to 12, with more than 4,000 students, the vast majority of them from Latino and low-income neighborhoods. Philip, 85, was a driving force behind the project, which was fraught with obstacles from the start, including Donald Trump's plans to build five towers at the site, one of them 125 stories tall. Later, Wal-Mart wanted to put a store there.

Senator Kennedy's commitment to social justice is evident throughout the campus with murals, quotations and similar exhibits.

Originally designed as a large, comprehensive K-12 school that would house more than 2,400 students, the school district determined in 2008 that the facility would host wall-to-wall pilot schools, which opened this fall. Pilot schools are innovative small schools that have charter-like autonomy over their budget, curriculum and assessment, governance, schedule and staffing, but are part of the public school system.

Among the new school's many features is a 500-seat auditorium and café at the site of the old Coconut Grove nightclub, built adjacent to the hotel in the 1920s, where LA's rich and famous would go to party. Howard Hughes was a regular there and several Academy Awards events were held there during the 1930s.

Groundbreaking on the new schools took place four years ago.

Phil has been instrumental in the improvement of public education in Los Angeles. I wish him all the best as he continues his important work on behalf of young people. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

TRIBUTE TO DAVID NOLAN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PAUL. Madam Speaker, David Nolan, founder of the Libertarian Party and creator of the "Nolan Chart" that inspired the "World's Smallest Political Quiz" passed away on November 21. I join freedom activists around the country in mourning his loss and celebrating his life.

Like many libertarians of his generation, David's initial interest in the freedom philosophy was inspired by the novels of Ayn Rand and Robert Heinlein. During the sixties, David was involved in Students for Goldwater and Young Americans for Freedom (YAF). David was also involved with the Liberty Amendment Committee, which worked to pass an amendment to the Constitution repealing the Sixteenth Amendment and restricting the powers of the federal government to those explicitly granted it in the Constitution.

David was drawn to the Republican Party because of the limited government, pro-individual liberty themes of the Goldwater campaign—and like many others he was disappointed when the supposedly free-market administration of Richard Nixon embraced a policy of conservative Keynesianism. When Richard Nixon imposed wage-and-price controls and took the U.S. off the gold standard on August 11, 1971, David decided he could no longer support the Republican Party and, along with a group of other disillusioned ex-Goldwaterities, created the Libertarian Party.

David remained active in the Libertarian Party for the rest of his life. He even ran for office several times on the Libertarian ticket, most recently just this year when he ran for Senate in Arizona. Despite the best efforts of David and others, the Libertarian Party has never been able to achieve major party status. I believe the main reason for this is the restrictive ballot access laws that force new and third parties to spend the majority of their time and resources getting on the ballot, thus leaving them with comparatively few resources to devote to actually campaigning and spreading their message. I continue to believe the American politics would benefit from reforming these ballot laws so third and independent parties and candidates could have greater ability to communicate their ideas to the American public.

Despite the obstacles of ballot access, the Libertarian Party has been successful in introducing millions of Americans to the ideas of liberty. It has also pushed the two major parties in a more libertarian direction. Thus, even those advocates of liberty who have chosen to work through the major parties to advance the freedom philosophy benefited from the David Nolan's work to advance liberty through the Libertarian Party.

David's work with the Libertarian Party was far from the sum total of his activism as he was involved in a variety of other pro-freedom organizations and projects. One of David's ideas was the genesis of the freedom movement's most successful outreach tool. In the early seventies, David reworked the traditional two-dimensional left-right political spectrum into a graph running from that favoring government involvement in both economic and personal affairs to those favoring complete liberty. In between were those favoring social freedom but not economy liberty (modern liberals) and those favoring economic freedom but favoring government intervention in personal matters (conservatives). In the 1980s, David's friend Marshall Fritz, the founder and President of the Advocates for Self Government, converted the Nolan Chart into the World's Smallest Political Quiz.

The quiz uses the Nolan Chart to graph an individual's political philosophy based on responses to a series of ten questions that measure one's commitment to economic and personal liberty. The quiz has been taken over 15 million times online, has been reprinted in dozens of newspapers and magazines, is referenced by major high school and college textbooks, and is used by educators in classrooms across America. The quiz is responsible for many people's first contact with libertarian ideas. As a board member of the Advocates for Self Government, David helped the organization popularize the quiz. He also assisted in numerous other projects by the Advocates designed to help activists in the freedom movement more effectively advocate the freedom philosophy.

Madam Speaker, David Nolan devoted his life to the cause of liberty, and helped build the freedom movement through his work with the Libertarian Party, the Advocates for Self Government, and many other organizations. I therefore join freedom lovers across the country in extending my sincere condolences to David Nolan's family and his many friends.

HONORING ADAM AUKAMP AND ALL STUDENTS, TEACHERS, AND STAFF MEMBERS OF WEST CREEK HILLS ELEMENTARY SCHOOL FOR HELPING AFGHANISTAN STUDENTS

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PLATTS. Madam Speaker, I rise today to offer my congratulations to the students, teachers, and staff members of West Creek Hills Elementary School, located in my Congressional District, for a very successful school supply drive for students in Afghanistan. In particular, I want to recognize 4th grader Adam Shea Aukamp for bringing the idea to West Creek Hills' Principal, Steve Yanni, and helping to organize the drive.

Adam came up with the idea for the school supply drive after reading a story in a newspaper for children that focused on U.S. troops serving in Afghanistan. The story highlighted how many Afghan children do not have enough school supplies, such as pencils, pens, crayons, etc. Adam decided he wanted to collect supplies to help Afghan children. Adam's mother, Barbara Sheaffer, contacted the Pennsylvania National Guard and connected with a colonel stationed in Afghanistan. The colonel learned through an interpreter that backpacks were also needed. Adam added this to his list.

Adam wrote a letter to his fellow students asking them to support the project and donate supplies. He and a few friends, including Drew Roman, Wesley Marshall, Jacob Doll, and Nicholas Minnich, created some posters and placed them around the school. They also visited classrooms to promote the project. Adam made announcements over the school's intercom system, first announcing the project, and then providing updates on the donation progress.

The drive lasted from November 8 through November 19, 2010. In the end, the school collected: 12 pencil boxes, 37 backpacks, 113 notebooks and writing tablets, 139 crayon boxes, 343 pens, and, 1,577 pencils.

Once again, congratulations to Adam Aukamp and all members of the West Creek Hills Elementary School community. Their efforts are an inspiration to all Americans and stand as a wonderful testament to the unparalleled generosity of our Nation's citizens, young and old.

A TRIBUTE TO ELISHA ACKIE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. TOWNS. Madam Speaker, I rise today in recognition of Ms. Elisha Ackie.

Elisha Ackie is one of those members of our society who has always been committed to our community's needs and dedicated to helping others; she is a songbird of religious verses and music, who celebrates that the Lord is her Shepherd.

Elisha Ackie was born on December 14, 1903 in Carriacou, Grenada, West Indies and migrated to New York in 1988. She is the proud mother of Jean Ackie, grandmother of two and great-grandmother of eight and great-great grandmother of two. Her long life is a testament to her legacy of family values and inter-generational family commitment. Even on the dawn of her 107th birthday, she continues to bring her family together for occasional dinners and gatherings.

Elisha Ackie is commended for adding joy and flavor to our 10th Congressional District in New York. She is also celebrated for the many stylish hats that adorn her beautiful face. This role model of work ethic, family life and sharing of daily bread will most certainly ensure that upcoming generations of her family, and those whose lives they touch, will continue to be fruitful members of our American society.

Madam Speaker, I urge my colleagues to join me in recognizing Ms. Elisha Ackie.

TRIBUTE TO REVEREND CARNELL HAMPTON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute a spiritual and community leader as he retires from the ministry. Reverend Carnell Hampton has been a tremendous light in Clarendon County during his 45 years at Melina Presbyterian Church and his daily guidance will be sorely missed.

Reverend Hampton grew up in the Mayesville community of Sumter County, and graduated from the historic Goodwill Parachoial School. He chose to return close to home following his graduation from seminary at Johnson C. Smith University in Charlotte, North Carolina to serve at Melina Presbyterian Church. He built the church into the center of the Gable community, expanding its membership and its missions. He has lived next door to the church and been an active member of the community throughout his career. Over his more than four decades in the ministry, Reverend Hampton has made innumerable contributions to the community, the state, the Presbytery, the Synod and the Presbyterian Church (U.S.A.).

I want to personally thank Reverend Hampton for his friendship and support. Just six weeks after my election to Congress in 1992, he and the Melina Presbyterian Church Family welcomed me into their worship service and congratulated me on behalf of the community. His care and concern for the community extends beyond the church walls, and he let me know he expected me to represent the community well. I have worked hard to meet his expectations.

Reverend Hampton is married to Carrie Edwards a native of Spartanburg, South Carolina and the couple has one son Jermaine Carnell, a daughter-in-law Hollie, and two grandchildren Nathan and August.

Madam Speaker, I ask you and my colleagues to join me in congratulating Reverend Hampton on his retirement. He has touched countless lives and left an indelible mark on this community. His service to Clarendon County and the Presbyterian Church will be long remembered, and hard to replace. I offer my best wishes as he enters this new phase of his life, and know that he will continue to be an important part of the community.

SO BRILLIANT, THIS, IN HONOR OF A FALLEN HERO, SGT. JESSE MICHAEL BALTHASER, 1ST MARINE DIVISION, 3RD MARINE COMBAT ENGINEER BATTALION, THE UNITED STATES MARINE CORPS

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. KILROY. Madam Speaker, I rise today with a heavy heart, at the loss of one of America's and Ohio's best, Sergeant Jesse Balthaser of Hilltop, of The United States Marine Corps, 1st Marine Division, 3rd Combat Engineer Battalion. Heroically, Sergeant Balthaser died when he stepped on an IED on September 4th during a fire fight in Helmand province, Afghanistan. This magnificent young man has done several tours in both Iraq and Afghanistan. He was getting ready to come home in November to witness the birth of his first child, already named Regan Michael, in December to Erin McSweeney his girl friend and future wife. Words can not ease their pain, and of that his parents Richard and Nancy Balthaser who have now lost their only child in service to our country. Our prayers and our thoughts go out to them in this time of such sorrow. Our nation owes a great debt to all the families and their loved ones of the Armed Forces, who teach us, That freedom, surely is not free. Bless them all.

So Brilliant, This
So . . .
So Brilliant This!
As is, as was Jesse's gift!
That Last Full Measure! That Oh So Such Golden Treasure!
As all in his short lifetime defined . . .
Of One's Life, As Is This . . . So Brilliant, in time . . .
While, all in the darkness of war . . .
While, all in a heart and soul . . . of such faith to insure . . .
To insure our freedom, but, bought and paid for!
Yes Jesse, but with your most precious life!
Oh yes you Jesse, so shone with your most brilliant light . . .
All in your magnificent shades of green . . .
As there you were, our son so bravely seen!
Oh yes, you United States Marine!
Where Strength In Honor, So Convenes!
As so gallantly, you so ventured forth . . .
All out upon death's course . . .
As for us, you walked through The Valley of Death . . .
With a heart of courage full, and clenched fist!
As America's Son! As on high, as your courage crested!
As all for God and Country, your most courageous heart could not so be stilled!
And your United States Marines, Ohio's Best as you moved onward still!
As our nation with your sacred sacrifice, all of ours lives have so blessed!
As a Mother and a Father cries, as their only son has died . . .
As for them, we now so weep . . . deep down in hearts, so very deep!
As a future wife's, great love has been lost . . .
And their new child to be born out of love, will bare the cost . . .
But, hush little baby don't you cry!

Because, one day up in Heaven you will look into your fine Father's eyes!
And Jesse, on this night as your loved ones lay their heads down to sleep . . .
Out across Columbus, but comes a gentle rain . . . that which so weeps . . .
So Weeps, Our Lords tears . . . falling down from Heaven so very deep . . .
All in his love for you, and your most brilliant gift . . .
And for your heartbroken family so very deep!
To ease their pain . . .
And in the comings years, we will see you . . . all in our tears . . .
All in your beautiful child of love, most beautiful face . . . so very dear!
So Brilliant, This!

PERSONAL EXPLANATION

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. YARMUTH. Madam Speaker, I was unable to cast the recorded votes for rollcall 608, 609, and 610. Had I been present I would have voted "yes" for these measures:

Rollcall No. 608—H.R. 6400—On Motion to Suspend the Rules and Pass.

Rollcall No. 609—H. Res. 1642—On Motion to Suspend the Rules and Pass.

Rollcall No. 610—H. Res. 1264—On Motion to Suspend the Rules and Pass.

IN RECOGNITION OF MR. ALLAN W. PURDY

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CARNAHAN. Madam Speaker, I rise to celebrate the life of Allan Purdy who dedicated his life to removing financial barriers to higher education.

His unprecedented devotion and leadership in making college education more affordable to all students will be remembered down through the ages. As a strong supporter of affordable higher education, I applaud Purdy's bold endeavor in ensuring that all students are assisted in achieving their higher education goals.

Purdy was the founding president of the National Association of Student Financial Aid Administrators and helped create the Missouri Higher Education Loan Authority, spending 20 years serving on MOHELA's board of directors.

He truly believed in putting the best interest of the students first. He worked to implement borrower benefit programs including loan forgiveness and low interest rates. I admire his tenacity and determination in that he played a key role in supporting and organizing student aid programs in which thousands of Missourians benefit.

On October 14th, we lost a great education pioneer. Now is the time that, we must work together to ensure that Allan Purdy's legacy and commitment to serving students continues and that we work toward providing equal opportunities to students.

Purdy will be forever remembered for his unwavering allegiance to building financial aid programs that would serve all students despite the college they choose.

HONORING FRANK HOWARD ALLEN REALTORS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to recognize Frank Howard Allen Realtors, which this year is celebrating its 100th anniversary of service in the San Francisco Bay Area. For a century now, Frank Howard Allen has remained a family-owned, locally operated brokerage characterized by a unique commitment to the people in our region. We have all been fortunate to benefit from its long history of economic and community development.

Frank Howard Allen Realtors, the namesake of its founder, was established in Marin County in 1910 as a small company focused on local service. By the 1960s, the company had expanded to four offices and over forty salespeople, and ownership was transferred to another family with strong local ties. It has remained in that family's care ever since and is now owned by CEO Larry Brackett and his wife Brennie Brackett. Under the Bracketts' leadership, Frank Howard Allen has continued its steady growth into Marin County's largest brokerage by market share, and it has expanded its strong presence in Sonoma and Napa Counties. From a small, independent company, Frank Howard Allen has become one of our major employers, with over 600 agents in more than 20 offices across the North Bay.

But even as it has grown into an important regional player, Frank Howard Allen has remained invested in our communities and deeply rooted in its origins. Because of the Bracketts' efforts, the company has been instrumental in developing the Marin Workforce Housing Trust, a unique public-private partnership that provides funding for critically necessary low-income and special-needs housing. Frank Howard Allen has also played an active and conscientious role in our public life, providing assistance to organizations serving our population in countless ways. By matching its agents' donations from closed escrows, Frank Howard Allen has been a consistent supporter of our North Bay schools, clinics, parks, museums, food banks, and other nonprofit organizations serving local people and our natural environment. Most recently, the brokerage sponsored its own giving programs aimed at providing food and clothing to those in need over the holiday season.

Frank Howard Allen has also been the recipient of a number of business awards, not only for its approach to clients and the community, but also for its treatment of workers. In 2010, Frank Howard Allen was honored by the North Bay Business Journal as one of the region's best places to work, and readers of the Pacific Sun voted it the region's best real estate brokerage. Frank Howard Allen also carried its category in NorthBay Biz, making this the eighth consecutive year it has won that magazine's highest accolades.

Madam Speaker, I ask you to join me in honoring Frank Howard Allen Realtors for its long standing work in our region, and in wishing it every success in its second century. The company's economic and philanthropic contributions to our communities are a model of the kind of business that makes the North Bay a vibrant and unique place to live.

A TRIBUTE TO LAUREN HAMMOND

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. MATSUI. Madam Speaker, I rise today to recognize Sacramento City Councilwoman Lauren Hammond, as she steps down from the Sacramento City Council after 14 years of honorable service. As her colleagues, friends and family gather to commemorate her many years of service to the people of Sacramento, I ask my colleagues to join me in recognizing Councilwoman Hammond's leadership and lasting impact on the City of Sacramento.

Councilwoman Hammond is a Sacramento native; she grew up in Land Park and attended McClatchy High School, the same high school as my late husband Robert Matsui. After high school, she continued her higher education in Sacramento, graduating from Sacramento City College and the California State University, Sacramento where she received her Bachelor of Arts in Government.

After graduation from Sacramento State, Lauren began her distinguished career in public service by working 22 years for the California State Senate. While with the Senate, she has served as a Telecommunications Contract Administrator and as the Senate's Coordinator for the Americans with Disabilities Act.

In 1997, Lauren ran for Sacramento's City Council. She won the special election in to become the first African-American woman elected to the City Council. As a City Councilwoman, she put her skills as a long-time community leader and neighborhood activist to work, focusing on working families and ensuring that the City of Sacramento is run efficiently. In her work, she concentrated on improving her district by ensuring safe walkways to schools and expanding youth services. She tackled citywide concerns such as youth empowerment, accessible health care for all, predatory lending and implementing smart growth policies. She has also helped revitalize Sacramento's Oak Park neighborhood, as well as lead the efforts to improve the Broadway, Stockton Boulevard and Franklin Boulevard corridors in order to make those areas more business friendly. She has worked tirelessly to make Sacramento a better place to live and do business.

Councilwoman Hammond's duties kept her busy, as she served on numerous boards of local government agencies. Some of these include the governing bodies of the Sacramento Area Sewer District, the Sacramento Transportation Authority, the Downtown Sacramento Revitalization Corporation, the Sacramento Metropolitan Air Quality Management District, the Sacramento Regional Solid Waste Authority Board, the Regional Transit District and Paratransit Inc. She also served as the Chairwoman of the City's Law and Legislation Committee.

Madam Speaker, as Councilwoman Hammond's family, friends and colleagues gather

to honor her for her service to the people of Sacramento, I ask all my colleagues to join me in saluting her for helping make Sacramento a great place to live, work and play.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PUTNAM. Madam Speaker, on Tuesday, December 7, 2010, I was not present for three recorded votes. Had I been present, I would have voted the following way:

Roll No. 608—''yea.''
Roll No. 609—''yea.''
Roll No. 610—''yea.''

TRIBUTE TO LOIS J. CARSON, EXECUTIVE DIRECTOR OF THE COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CALVERT. Madam Speaker, I rise today to congratulate and pay tribute to an individual from my Congressional District for her 30 years of outstanding service to the community of Riverside, California. Lois J. Carson has served as Executive Director of the Community Action Partnership (CAP) of Riverside County for 30 years. After three decades of service, Lois will retire at the end of December and I thank her for years of dedicated public service. In her honor, a grateful city has declared December 14, 2010, as ''Lois J. Carson Day.''

In July 1980, Lois was first appointed by the Board of Supervisors as the first Executive Director of CAP of Riverside County, then known as the Department of Community Action. For 30 years CAP has worked toward reducing poverty in Riverside County. In 2005 and under Lois' direction, Riverside received the National Community Action Partnership's Award for Excellence, to date the only Community Action Agency (CAA) in California, and the only public CAA in the nation, to receive this award.

Lois has been recognized as an innovator who always worked diligently on behalf of the city and in her role with CAP. Through the years CAP has touched the lives of thousands of low-income residents in Riverside, helping them gain footing through programs such as Individual Development Accounts, Building Links to Impact Self-Sufficiency (Project B.L.I.S.S.), Earned Income Tax Credit, and Weatherization and Access to Assets.

Lois has received numerous awards recognizing her accomplishments, including being named a ''Distinguished Alumnus'' by California State University, San Bernardino and by the University of California, Riverside. She was also a first year recipient of the Riverside YWCA ''Woman of Achievement'' award. In addition, Lois was named the Fair Housing Council of Riverside County's ''Champion of Justice;'' honored with the Business Press' ''Leader of Distinction'' award; named a 2001 Papal Medalist; earned the Woman of the Year for the 62nd Assembly District; awarded the 2007 Lyndon Baines Johnson ''Human Services Award'' which is highest honor of the National Community Action Partnership; and was named the 2009 ''Spirit of the Entrepreneur'' Award from Social Entrepreneur.

She also served as a trustee for the San Bernardino Community College District for 24 years during which time she was named ''Top Trustee in the U.S.'' in 1991 by the Association of Community College Trustees. She remains an active member of Alpha Kappa Alpha Sorority, National Council of Negro Women and is a Black Future Leaders mentor. She is also the longest serving member of the Riverside County Workforce Investment Board.

Lois' tireless passion for community and public service has contributed immensely to the betterment of the community of Riverside, California. I am proud to call Lois a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she retires.

LETTER OF SUPPORT FOR S. 3250

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. CARNAHAN. Madam Speaker, attached is a amended support letter for S. 3250 which passed the House on Wednesday, December 1, 2010. A previous copy was submitted for the RECORD.

HIGH-PERFORMANCE BUILDING CONGRESSIONAL CAUCUS COALITION,
December 3, 2010.

Re Federal Buildings Personnel Training Act of 2010.

RUSS CARNAHAN,
Washington, DC.
JUDY BIGGERT,
Washington, DC.
THOMAS CARPER,
Washington, DC.
SUSAN COLLINS,
Washington, DC.

DEAR REPRESENTATIVES CARNAHAN AND BIGGERT AND SENATORS CARPER AND COLLINS: As the leading organizations involved in the design, construction, operation and maintenance of buildings, we applaud your continued efforts to improve our Nation's buildings. Thank you for your leadership and vision in the development and passage of H.R. 5112 and S. 3250, ''Federal Buildings Personnel Training Act of 2010.''

As you know, Congress and the President have established stringent goals for Federal agencies to achieve reductions in energy and water use and greenhouse gas emissions. Agencies also have additional needs related to other high-performance building attributes, including safety and security. Achieving these goals requires personnel engaged in the design, construction, operation and maintenance of federal buildings to have the appropriate skills and training.

Federal agencies have long been looked to as an example of what can be done within the built environment. As the Nation's largest holder of real estate, the Federal government has the opportunity and resources to influence the development and implementation of building design, construction, operations and maintenance tools, technologies and practices. Federal buildings should serve as public showcases and leading examples of energy efficiency and indoor environmental quality (IEQ) through their design, construction, equipment, and operations and maintenance.

As both public and private sector buildings become increasingly complex to meet our Nation's energy and environmental goals, personnel with the necessary competencies will be critical to achieving these goals. The undersigned organizations, thank you for your leadership on this legislation and are poised to provide the necessary training to achieve both public and private sector goals.

We look forward to continued work with you in realizing the full potential of high-performance buildings.

Sincerely,

National Institute of Building Sciences (NIBS); American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE); International Facility Management Association (IFMA); National Electrical Manufacturers Association (NEMA); U.S. Green Building Council (USGBC); International Association of Plumbing and Mechanical Officials (IAPMO); Federation of American Scientists (FAS); National Fire Protection Association (NFPA); International Code Council (ICC); Polyisocyanurate Insulation Manufacturers Association (PIMA); American Institute of Architects (AIA); Spray Polyurethane Foam Alliance (SPFA); United Association—Union of Plumbers, Fitters, Welders and HVAC Service Techs; Green Mechanical Council; The Stella Group, Ltd.; Association for Facilities Engineering (AFE); Mechanical Contractors Association of America (MCAA); National Society of Professional Engineers (NSPE); BuildinglnSight, LLC; American Council of Engineering Companies (ACEC); Green Building Initiative (GBI); Ecobuild America/AEC Science & Technology, LLC; American Society of Landscape Architects (ASLA); Air-conditioning, Heating and Refrigeration Institute (AHRI); National Fenestration Rating Council (NFRC); Center for Environmental Innovation in Roofing (CEIR); The Radiant Panel Association; Carbon Monoxide Safety Association (COSA); Educational Standards Corporation Institute (ESCO Institute); HVAC Excellence; Air Conditioning and Refrigeration Association (AC&R); Federal Performance Contracting Coalition; Sustainable Buildings Industry Council (SBIC); National Insulation Association (NIA); InfoComm International; Building Intelligence Group; Sheet Metal and Air Conditioning Contractors—National Association, Inc. (SMACNA); Architecture 2030; LonMark International; Environmental and Energy Study Institute (EESI); American Society of Civil Engineers (ASCE); BASF; EIFS Industry Members Association (EIMA); Plumbing-Heating-Cooling Contractors—National Association (PHCC); Johnson Controls; APPA: Leadership in Educational Facilities; International Association of Lighting Designers (IALD); The Vinyl Institute; Iluminating Engineering Society (IES); DuPont; Brick Industry Association; Association of Energy Engineers (AEE); Siemens; Bentley Systems; International Association of Heat & Frost Insulators and Allied Workers; Delphi; Ingersoll Rand; Natural Resource Defense Council (NRDC).

RECOGNIZING MAJOR GENERAL ROBERT T. BRAY

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KENNEDY. Madam Speaker, I rise today to recognize Major General Robert T. Bray for his stewardship in Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans. His contributions have been vital to the success of this program. His work with this important issue is simply unmatched.

Rhode Island's Jail Diversion and Trauma Recovery Program—Priority to Veterans addresses the needs of individuals with mental illness such as post traumatic stress disorder and trauma related disorders involved in the justice system. In recognition of the dramatically higher prevalence of trauma related disorders among veterans, this program prioritizes eligibility for veterans.

General Bray assumed the duties as The Adjutant General and the Commanding general of the Rhode Island National Guard on 17 February 2006. As The Adjutant General, he is responsible for the mission readiness of all Rhode Island National Guard units for both federal and state missions.

General Bray joined the South Dakota National Guard in December 1971. He received his commission as a Field Artillery officer through the South Dakota Military Academy in 1974. Prior to this assignment, General Bray served as the Deputy Commanding General, Army National Guard, United States Army Field Artillery Center, Fort Sill, Oklahoma. In that capacity he served as the advisor to, and as the personal representative of, the Commanding General (CG) for all Army National Guard Field Artillery matters.

General Bray has been instrumental in advancing Rhode Island's correctional institutions. I wish him all the best as he continues his important work on behalf of our nation's heroes, our veterans. He will continue to carry my own admiration, and that of all who have had the privilege to work with him.

THANKING ROTARY FOR 105 YEARS OF SERVICE

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. SCHAKOWSKY. Madam Speaker, I rise today to express my strong support for H. Res. 1727, a resolution recognizing Rotary International for 105 years of service to the world and commending its members on their dedication to the mission and principles of their organization. As the Representative of the 9th Congressional District of Illinois which is home to Rotary Club International, I want to personally thank them for the service and commitment to making the world a more humane place.

Madam Speaker, the Rotary Club's motto, ''Service Above Self,'' is an inspiring example for all Americans. Rotarians not only preach this motto, they live it by developing community service projects that address many of today's most critical issues, such as children at risk, poverty and hunger, the environment, illiteracy, and violence.

I would like to especially recognize Rotary for its 25-year long campaign for the global eradication of polio. Since 1985, Rotarians have raised close to a billion dollars to immunize the children of the world and have pledged to contribute an additional $500 million to the cause. In addition to this generous financial contribution, Rotary has provided an army of volunteers to promote and assist at national immunization days in polio-endemic countries around the world.

Due in large part to Rotary's efforts, the number of polio cases has fallen dramatically. In1985, there were 350,000 known cases of polio in 125 countries. Today, more than 200 countries are polio-free. There are only four endemic nations—Afghanistan, India, Nigeria and Pakistan—the lowest in history.

I want to again thank Rotary International for its 105 years of service. There is no question that the world is a far better place today because of their tremendous work.

IN RECOGNITION OF REV. DR. DEFOREST SOARIES, JR.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. PALLONE. Madam Speaker, I rise today to recognize Rev. Dr. DeForest B. Soaries, Jr., a resident of Monmouth Junction, New Jersey and the Senior Pastor of the First Baptist Church of Lincoln Gardens in Somerset. Today, the church community gathers to celebrate Rev. Soaries' 20th Pastoral Anniversary. Rev. Soaries' pastoral ministry focuses on spiritual growth, educational excellence, economic empowerment and faith-based community development. His advocacy and dedication to members of the community are undoubtedly worthy of this body's recognition.

Rev. Soaries' experience and activism in college laid a solid foundation for his future success. As a college student, Rev. Soaries led a campaign against drug use on campus. He later advocated for civil rights issues as a community organizer for the Urban League. He was also served as a National Coordinator in Operation PUSH. Rev. Soaries earned a Bachelor's of Arts Degree from Fordham University, a Master's of Divinity Degree from Princeton Theological Seminary and a Doctorate of Ministry Degree from United Theological Seminary. He is also the recipient of six honorary Doctoral Degrees from various institutions.

Rev. Soaries is well known for being an active agent for change. He has guided members of the church and local community with financial education assistance and foreclosure prevention. Specifically, dfree is a program developed by Rev. Soaries to encourage participants to attain financial self-sufficiency. The dfree strategy teaches individuals to live without debt, within their means and pay their bills on time. As a result of his outstanding accomplishments, Rev. Soaries was the focus of the third installment of CNN's ''Black in America'' documentary ''Almighty Debt.'' It aired on October 21, 2010. This documentary highlighted three families from First Baptist Church of Lincoln Gardens who were facing difficult financial times as a result of issues including the recession, home foreclosure, unemployment and college tuition payments. In April 2007, Radio Talk Show Host Don Imus used racially insensitive language to describe the members of the Rutgers University Women's Basketball team. Rev. Soaries served as the mediator and facilitator between these two groups.

From January 12, 1999 to January 15, 2002, Rev. Soaries served as New Jersey's thirtieth Secretary of State. He was the first African-American male to serve in this position. In his capacity, he served as senior advisor to the Governor on a wide range of public policies that effect various departments and constituencies. In December 15, 2003, Rev. Soaries was appointed to serve as Chairman of the United States Election Assistance Commission. This commission was established by Congress to implement the ''Help America Vote Act'' of 2002. Rev. Soaries' leadership in these endeavors is worthy of our praise and commendation.

As a result of his exceptional work, Rev. Soaries was recently recognized by both houses of the New Jersey Legislature for his religious and community leadership. His work has also been featured in the New York Times, Ebony Magazine, Black Enterprise and Government Executive Magazine.

Madam Speaker, please join me in leading this body in congratulating Rev. Dr. DeForest Soaries, Jr., as the parishioners celebrate his 20th Pastoral Anniversary. Rev. Soaries and the First Baptist Church of Lincoln Gardens are tremendously valued in my district and the State of New Jersey.

CONGRATULATING LIU XIAOBO ON NOBEL PEACE PRIZE

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. LEVIN. Mr. Speaker, the imprisonment of Liu Xiaobo is a personal tragedy, a national shame, and an international challenge. The answer is clear: Mr. Liu should be released immediately.

For his more than two decades of advocating for freedom of speech, assembly, religion, peaceful democratic reform, transparency and accountability in China, Mr. Liu is serving an eleven-year sentence in a Chinese prison for ''inciting subversion of state power.'' Those in China, like Mr. Liu, who have penned thoughtful essays or signed Charter 08 seek to advance debate, as the Charter states, on ''national governance, citizens' rights, and social development'' consistent with their ''duty as responsible and constructive citizens.'' Their commitment and contribution to their country must be recognized, as the Nobel Committee has done, and as we do today, and their rights must be protected.

The Chinese government has said that awarding the Nobel Prize to Liu Xiaobo ''shows a lack of respect for China's judicial system.'' I would like to take a moment to examine this claim. For it seems to me that what truly showed a lack of respect for China's judicial system were the numerous and well-documented violations of Chinese legal protections

for criminal defendants that marred Mr. Liu's trial from the outset. I refer here to matters such as the failure of Chinese prosecutors adequately to consult defense lawyers, and the speed with which prosecutors acted in indicting Mr. Liu and bringing him to trial, effectively denying his lawyers sufficient time to review the state's evidence and to prepare for his defense. Chinese officials prevented Mr. Liu's wife from attending his trial, in which she had hoped to testify on behalf of her husband. Mr. Liu's lawyers reportedly were ordered by state justice officials not to grant interviews. It is these abuses committed by Chinese officials in China, not the actions of a committee in Oslo, that demonstrated ''a lack of respect for China's judicial system.''

All nations have the responsibility to ensure fairness and transparency in judicial proceedings. The effective implementation of basic human rights and the ability of all people in China to live under the rule of law depend on careful attention to, and transparent compliance with, procedural norms and safeguards that meet international standards. I serve as Cochairman of the Congressional-Executive Commission on China (CECC). The Commission's Political Prisoner Database, which is available to the public on-line via the Commission's web site, www.cecc.gov, contains information on thousands of political prisoners in China. These are individuals who have been imprisoned by the Chinese government for exercising their civil and political rights under China's Constitution and laws or under China's international human rights obligations. The enhancement of the database that the Commission announced this past summer roughly doubled the types of information available to the public, enabling individuals, organizations, and governments to better report on political imprisonment in China and to more effectively advocate on behalf of Chinese political prisoners. And people around the world have been using the database to do just that. The number of ''hits'' to the database from individual users, NGOs, academic institutions and governments around the world has skyrocketed. The database makes clear that political imprisonment in China is well-documented, it is a practice whereby the Chinese government has shown disrespect for the law not only in Liu Xiaobo's case, but in thousands of other cases, and it must end.

Unfortunately, the end to political imprisonment in China does not appear likely at this time. Since the Nobel Committee's announcement, Mr. Liu's wife, Liu Xia, has been harassed relentlessly, and remains confined virtually incommunicado under what appears to be house arrest. In the weeks following the Nobel Committee's announcement, there have been over 100 documented incidents in which Chinese citizens have been harassed, interrogated, subjected to police surveillance, detained or placed under house arrest for their expressions of support for Liu. Articles in China's official state-run media have attacked the Nobel committee and painted a harshly negative portrait of Liu. Chinese authorities have attempted to limit the dissemination of information about Liu's receiving the Nobel Prize. Chinese officials have censored unauthorized references to Liu on the Internet and cell phones and blocked access to news about Liu from outside China. Chinese officials have imposed severe travel restrictions on Chinese activists, scholars, and lawyers whom they fear will attempt to attend the Nobel peace prize award ceremony in Norway on December 10. In the last month, Beijing police reportedly have prevented leading scholars and lawyers from boarding flights to attend international conferences for fear they will attend the Nobel peace prize award ceremony. Other public intellectuals physically have been prevented by police from meeting foreign reporters.

The Director of the Nobel Institute said China's pressure on other governments to boycott this year's ceremony has been unprecedented in his twenty years as Director. China's G20 negotiator said that countries sending officials to attend the award ceremony honoring Mr. Liu must be ready to ''accept the consequences.'' Diplomats report that the Chinese Embassy in Oslo has sent official letters to foreign embassies in the Norwegian capital asking them not to make statements in support of Liu, and not to attend the Nobel awards ceremony on December 10. This is not the behavior of a strong, responsible government.

As Liu Xia said the morning her husband was selected to receive the Nobel Prize, ''China's new status in the world comes with increased responsibility. China should embrace this responsibility, and have pride in his selection and release him from prison.'' As Nobel laureate Vaclav Havel correctly noted, ''intimidation, propaganda, and repression are no substitute for reasoned dialogue. . . .'' And as Nobel laureate Desmond Tutu recently wrote together with Vaclav Havel:

> We know that many wrongs have been perpetrated against China and its people throughout history. But awarding the Nobel Peace Prize to Liu is not one of them. Nor is the peaceful call for reform from the more than 10,000 Chinese citizens who dared to sign Charter 08. . . . China has a chance to show that it is a forward-looking nation, and can show the world that it has the confidence to face criticism and embrace change. . . . This is a moment for China to open up once again, to give its people the ability to compete in the marketplace of ideas. . . .

I take particular note of the words of Chinese Premier Wen Jiabao, who, in a recent interview with CNN, stated:

> Freedom of speech is indispensable. . . . The people's wishes for, and needs for, democracy and freedom are irresistible.''

Sadly, the Chinese government clearly has shown the world, through its mistreatment of Liu Xiaobo and countless others, that Premier Wen's words are not the basis for government action in China.

This Resolution shines a light on the Chinese government's failure to enforce basic human rights, and underlines that China once again is at an important crossroads, and seems to be turning in the wrong direction. This has implications not only for the development of institutions of democratic governance in China, but also for the United States in managing our relations with China.

I am pleased to co-sponsor this important Resolution.

IN HONOR OF CHIEF WARRANT OFFICER JOHN ULSTROM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of retired Chief Warrant Officer John Ulstrom, who walked 1,500 miles from Desdemona, TX to Washington, DC in an effort to bring attention to the need for better mental health care for troops returning from Iraq and Afghanistan.

Officer Ulstrom made this journey in memory of his friend's son Joe Vitalec, a 21 year old Army reservist who committed suicide after developing Post Traumatic Stress Disorder (PTSD) in Iraq. Unfortunately, stories like Mr. Vitalec's are not uncommon. Statistics from the Department of Veterans Affairs (VA) reveal that veterans account for 20% of American suicides, which amounts to 18 suicides per day. Today's soldiers are deployed for unprecedented amounts of time, and the extra exposure to combat takes its toll. A study published in the Archives of Internal Medicine found that nearly one out of three veterans returning from Iraq and Afghanistan who required services from the VA in the first part of the decade were diagnosed with psychological trauma. The VA has been underfunded for years, and it employs only a fraction of the number of mental health care workers needed to give veterans the treatment they need. Many veterans receive no treatment at all, and many of those who do receive it in the form of a pill.

In his blog, Ulstrom explains the situation in more personal terms. ''I have seen firsthand that there is a severe shortage of mental health workers and psychiatrists in the military and Dept. of Veterans Affairs. PTSD is a severe problem with our returning veterans, with no one to talk to and nowhere to turn, many vets suffer alone with no treatment whatsoever, slowly descending into their own personal hell.''

Madam Speaker and colleagues, please join me in applauding Officer Ulstrom for his work. By making this journey and sharing his story, he has personalized the pain of mentally ill veterans and their families. These men and women who have given so much of themselves to our country deserve our full support.

HONORING MAJOR GENERAL DONALD J. GOLDHORN, THE ADJUTANT GENERAL OF THE GUAM NATIONAL GUARD, FOR HIS EXEMPLARY SERVICE TO THE PEOPLE OF GUAM AND TO THE UNITED STATES OF AMERICA

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Ms. BORDALLO. Madam Speaker, I rise today to honor the exemplary service and leadership of Major General Donald J. Goldhorn, the Adjutant General of the Guam National Guard. Major General Goldhorn has been an outstanding leader of the men and women in the Guam National Guard and has been actively involved in our community on

Guam for many years. Major General Goldhorn is a member of the Rotary Club of Guam Sunrise and is an active supporter of local charities. He also supports community service projects for our civilian and military communities. Further, no has been a key resource to the Armed Forces Committee of the Guam Chamber of Commerce.

Before joining the U.S. Army, Major General Goldhorn, in 1966, earned a Bachelor of Arts in Psychology from Huron College in South Dakota and, in 1967, a Master of Science Degree in Guidance and Counseling from Northern State University in Aberdeen, South Dakota. As an officer in the U.S. Army, he attended the Army Command and General Staff College in 1980 and in 1995, was a Resident at the Army War College.

Major General Goldhorn's military career began in 1969 when he was commissioned as a first lieutenant in the Medical Service Corps. In January 1970, Lt. Goldhorn served as a Field Medical Assistant at the 91st Evacuation Hospital in the Republic of Vietnam during the Vietnam War. Later that year, he served as the Commander for the 51st Medical Company, then again as Commander of the Headquarters Detachment of the 67th Evacuation Hospital. In total, Major General Goldhorn held command positions for 11 months in Vietnam.

Following his service in Vietnam, he was named Assistant Adjutant for the Fitzsimmons Army Medical Center in Denver, Colorado in January 1971. Subsequently he held a number of other positions in the Army Reserves before joining the South Dakota National Guard. Major General Goldhorn has the unique distinction of serving in both the South Dakota and Guam National Guards. His unique experience has helped him be a successful and resourceful leader of the Guam National Guard.

Of particular note, on August 6, 1997, Major General Goldhorn was serving as Chief of Staff to the Guam Army National Guard when he earned the Guam Commendation Medal and Humanitarian Award for his efforts in the recovery of victims from Korean Airlines Flight 801 crash. The efforts of leaders like Major General Goldhorn after this crash ensured the survival of 26 people. After his time as Chief of Staff, Major General Goldhorn returned to the South Dakota National Guard serving as the Assistant Adjutant General. Major General Goldhorn returned to Guam on March 18, 2005, coming from the Retired Reserve, to serve as the Adjutant General for the Guam National Guard and Director of Guam Department of Military Affairs.

Major General Goldhorn took over leadership of the Guam National Guard at a critical time in the history of the National Guard. He has worked hard to successfully transition from a strategic reserve to an operational force. He has had to balance domestic mission resource requirements with the demands of multiple deployments for Guam National Guard units to the Horn of Africa, Afghanistan and Iraq. Further, he has worked to ensure that the men and women of the Guam National Guard remain ready to support our efforts at home and abroad. Major General Goldhorn has been a leader in working with National Guard Bureau leadership and Congress to ensure that the National Guard has adequate full-time manning. Full-time manning ensures that the National Guard maintains its highest levels of readiness and increases dwell time so that soldiers and airmen can spend more time at home with their families and at their jobs.

Further, Major General Goldhorn has worked to increase the end strength of the Guam National Guard and increase its mission requirements. He understood the potential benefits of the Army's restructuring on Guam. As such, Major General Goldhorn provided the leadership for the transformation of Guam National Guard missions and capabilities. His efforts successfully capture the ability of the Guam National Guard to recruit and retain quality soldiers and airmen. In addition, Major General Goldhorn continues to work with leaders in the U.S. Air Force Headquarters, Pacific Air Force, Andersen Air Force Base and Air Mobility Command to bring a flying mission to Guam. Major General Goldhorn recognizes the strategic importance of Guam and the importance of supporting the Air Force mission in the Western Pacific. He also understands the humanitarian aid and support role of the United States in the Western Pacific and it is these requirements that drive the necessity of having a permanent flying mission on Guam. While the ultimate goal of having aircraft in Guam will not be realized during his tenure he has laid the groundwork for his predecessor to achieve success on this critical capability for Guam and the Guam National Guard.

Building on our strategic location, Major General Goldhorn ensured that the Guam National Guard would participate in the National Guard's State Partnership Program. The National Guard State Partnership Program enhances a respective combatant commander's ability to build enduring civil-military relationships that improve long-term international security while building partnership capacity across all levels of society. The Guam National Guard partnership with the Philippines provides Filipino forces and civilian counterparts with capacity building exercises and trainings. This particular partnership recognizes the unique cultural and historic link between Guam and the people of the Philippines. In recognition of the partnership's success Major General Goldhorn, in October 2010, was awarded the Republic of the Philippines' Outstanding Achievement Medal by the country's Secretary of Defense for his efforts under the National Guard Bureau's State Partnership Program.

Above all else, Major General Goldhorn has the utmost care and respect for his soldiers and airmen in the Guam National Guard. He has travelled to the Horn of Africa, Iraq, Afghanistan and the Philippines to visit with our men and women in uniform while they performed their missions. He has been a mentor to many of the men and women in the Guam National Guard. Under his leadership, the organization thrived during these difficult times of engagement in several conflicts while transforming the way it prepares, fights and deploys for conflicts. Major General Goldhorn is the reason that our Guam National Guard is respected and admired across the branches of the military and across our Nation.

It is on the occasion of Major General Goldhorn's retirement from the Guam Army National Guard that I join the people of Guam in acknowledging his leadership, service, and dedication to serving the community of Guam. I commend him on his prolific military career, thank him for his service to our island community and people, and wish him the best in his retirement.

COMMEMORATING THE 50TH ANNIVERSARY OF THE ARCTIC NATIONAL WILDLIFE REFUGE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 8, 2010

Mr. HOLT. Madam Speaker, I rise today to commemorate the 50th anniversary of the designation of the Arctic National Wildlife Refuge.

On December 6, 1960, President Dwight D. Eisenhower created the Arctic National Wildlife Range ''for the purpose of preserving unique wildlife, wilderness, and recreational values'' of North East Alaska. The reserve was further expanded by President Jimmy Carter in 1980 and renamed the Arctic National Wildlife Refuge, ANWR, to further recognize the breathtaking landscape and stunning diversity of wildlife that inhabit the area.

The Arctic Refuge is the only completely protected Arctic ecosystem in the U.S. and one of our country's environmental crown jewels. Stretching from the plains of the Arctic Sea to the soaring mountains of the Brooks Range and lush boreal forests of the Alaskan lowlands, ANWR protects critical breeding and migratory habitat for over 200 species. The very essence of ANWR is that it is pristine and untouched.

Throughout my career in Congress I have fought to protect ANWR from the scourge of oil and gas drilling. A few extra tablespoons of oil for our gas tanks are not worth irreparably damaging this pristine environment which is truly a national treasure.

Some would argue that most Americans will not visit ANWR in their lifetimes and therefore it does not warrant the strongest protections that Congress can give it. Hundreds of my Central New Jersey constituents have written me opposing oil and gas drilling in this area. While they may not have visited the reserve, they understand the value that our public lands have to all Americans and I will continue to fight to protect ANWR on behalf of my constituents, their children and their children's children.

CONGRATULATING LIU XIAOBO ON NOBEL PEACE PRIZE

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 7, 2010

Mr. PAUL. Mr. Speaker, I rise in opposition to this resolution as I do not believe it is our place, as Members of the U.S. Congress, to dictate internal policy to the Chinese government. Obviously, as an advocate of minimal government and personal liberty, I do not support imprisoning individuals for their political views and believe that anyone held anywhere for merely holding unpopular views—including anyone held in the United States—should be released. I do object to the meddling in this bill which falsely advertises itself as a non-controversial expression of congratulations to a winner of the Nobel Peace Prize.

As one who believes strongly in national sovereignty and is opposed to the idea of a

world governmental authority, I particularly object to the sentiment expressed in this bill that ''violations of human rights in general . . . are matters of legitimate concern to other governments.'' This idea is the recipe for abominations such as the ''humanitarian'' bombing of Serbia in 1999 and is used by those who wish to maintain the current disastrous occupation of Afghanistan. As we can see from interventions such as the U.S. attack on Iraq, which was at least partly sold as a humanitarian-inspired overthrow of a dictator, sometimes the ''cure'' is worse than the disease particularly when one calculates the number dead from the intervention and the number actually killed by the regime being replaced.

I find it ironic that, at a time when the U.S. government is desperately attempting to censor the publication of sensitive leaked information that it considers embarrassing and is demonizing and calling for the prosecution or worse of the publisher of that information, Julian Assange, this resolution ''calls on the Government of China to cease censoring media and Internet reporting of the award of the Nobel Peace Prize to Liu Xiaobo and to cease its campaign of defamation against Liu Xiaobo.''

In the interest of a non-interventionist U.S. foreign policy I must therefore oppose this resolution and will continue to oppose any meddling in the domestic affairs of foreign countries.

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, December 9, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 14

2:15 p.m.

Foreign Relations

Business meeting to consider S. 2982, to combat international violence against women and girls, S. 3688, to establish an international professional exchange program, S. 1633, to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, S. 3798, to authorize appropriations of United States assistance to help eliminate conditions in foreign prisons and other detention facilities that do not meet minimum human standards of health, sanitation, and safety, S. Con. Res. 71, recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts, S. Res. 680, supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia, S. J. Res. 37, calling upon the President to issue a proclamation recognizing the 35th anniversary of the Helsinki Final Act, Treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110–23), international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the ''Treaty'') (Treaty Doc. 110–19), and the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, Larry Leon Palmer, of Georgia, to be Ambassador to the Bolivarian Republic of Venezuela, Gregory J. Nickels, of Washington, to be an Alternate Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Carol Fulp, of Massachusetts, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, Jeanne Shaheen, of New Hampshire, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, and Roger F. Wicker, of Mississippi, to be a Representative to the Sixty-fifth Session of the General Assembly of the United Nations, all of the Department of State, Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, and Alan J. Patricof, of New York, and Mark Green, of Wisconsin, both to be a Member of the Board of Directors of the Millennium Challenge Corporation, and a routine list in the Foreign Service.

S–116, Capitol

Daily Digest

HIGHLIGHTS

Senate convicted Judge G. Thomas Porteous, Jr. of High Crimes and Misdemeanors.

Senate

Chamber Action

Routine Proceedings, pages S8607–S8658

Measures Introduced: Three bills and one resolution were introduced, as follows: S. 4015–4017, and S. Res. 697. **Page S8641**

Measures Reported:

S. 3648, to establish a commission to conduct a study and provide recommendations on a comprehensive resolution of impacts caused to certain Indian tribes by the Pick-Sloan Program, with an amendment in the nature of a substitute. (S. Rept. No. 111–357)

S. 4016, to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia Basin Restoration Program. (S. Rept. No. 111–358)

S. 2902, to improve the Federal Acquisition Institute, with an amendment in the nature of a substitute. **Page S8641**

Measures Passed:

Taxpayer Assistance Act: Committee on Finance was discharged from further consideration of H.R. 4994, to extend certain expiring provisions of the Medicare and Medicaid programs, and the bill was then passed, after agreeing to the following amendments proposed thereto: **Pages S8631–34**

Bennet (for Reid) Amendment No. 4742, in the nature of a substitute. **Pages S8631–34**

Bennet (for Reid) Amendment No. 4743, to amend the title. **Pages S8631–34**

Regulated Investment Company Modernization Act: Senate passed H.R. 4337, to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, after agreeing to the following amendment proposed thereto: **Page S8651**

Reid (for Bingaman) Amendment No. 4744, in the nature of a substitute. **Page S8651**

Census Oversight Efficiency and Management Reform Act: Senate passed S. 3167, to amend title 13 of the United States Code to provide for a 5-year term of office for the Director of the Census and to provide for the authority and duties of the Director and Deputy Director of the Census, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S8651–54**

Reid (for Carper) Amendment No. 4745, to provide for the establishment of a technology advisory committee and to strike the requirement that the Director of the Census submit a budget request each year to the Secretary of Commerce for inclusion in the President's budget request for that year. **Pages S8653–54**

National Alzheimer's Project Act: Senate passed S. 3036, to establish the National Alzheimer's Project, after agreeing to the committee amendment in the nature of a substitute. **Pages S8654–55**

15th Anniversary of the Dayton Peace Accords: Senate agreed to S. Res. 697, recognizing the 15th anniversary of the Dayton Peace Accords. **Page S8655**

Measures Considered:

Impeachment of Judge G. Thomas Porteous, Jr.: Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, taking the following action: **Page S8607**

By a unanimous vote of 94 nays (Vote No. 260), Senate rejected the motion that notwithstanding Impeachment Rule XXIII, the Senate shall disaggregate the articles of impeachment by holding preliminary votes on individual allegations in the articles. **Page S8608**

On this article of impeachment, 96 Senators having voted guilty, 0 Senators having voted not guilty (Vote No. 261), two-thirds of the Senators present

having voted guilty, the verdict on Article I (improperly denied a motion to recuse based on corrupt financial relationship) is guilty. **Pages S8608–09**

On this article of impeachment, 69 Senators having voted guilty, 27 Senators having voted not guilty (Vote No. 262), two-thirds of the Senators having voted guilty, the verdict on Article II (alleges a pattern of corrupt conduct based on improper structuring of bail bonds) is guilty. **Page S8609**

On this article of impeachment, 88 Senators having voted guilty, 8 Senators having voted not guilty (Vote No. 263), two-thirds of the Senators having voted guilty, the verdict on Article III (intentionally made material false statements in a personal bankruptcy filing) is guilty. **Pages S8609–10**

On this article of impeachment, 90 Senators having voted guilty, 6 Senators having voted not guilty (Vote No. 264), two-thirds of the Senators having voted guilty, the verdict on Article IV (knowingly made false statements to the Senate and FBI during his confirmation process) is guilty. **Page S8610**

By 94 yeas to 2 nays (Vote No. 265), Senate agreed to the motion to forever disqualify Judge G. Thomas Porteous, Jr. of the Eastern District of Louisiana, to hold and enjoy any office of honor, trust, or profit under the United States. **Pages S8610–11**

The Senate having tried G. Thomas Porteous, Jr., U.S. District Judge for the Eastern District of Louisiana, upon four articles of impeachment exhibited against him by the House of Representatives, and two-thirds of the Senators present having found him guilty of the charges contained in Articles I, II, III, and IV of the articles of impeachment: it is, therefore, ordered and adjudged that the said G. Thomas Porteous. Be, and is hereby, removed from office; and that he be, and he is hereby, forever disqualified to hold and enjoy any office or honor, trust, or profit under the United States. **Pages S8610–11**

Ordered, that the Secretary be directed to communicate to the Secretary of State, as provided by rule XXIII of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, and also to the House of Representatives, the judgment of the Senate in the case of G. Thomas Porteous, Jr., and transmit a certified copy of the judgment to each. **Page S8610**

Subsequently, Senate, sitting as Court of Impeachment, adjourned sine die. **Page S8610**

A unanimous-consent agreement was reached providing that Senators may be permitted, within 7 days from Wednesday, December 8, 2010, to have printed in the *Congressional Record* opinions or statements explaining their votes and that the Secretary be authorized to include these statements, along with the record of the Senate's proceedings, in a Senate document printed to complete the documentation of the Senate's handling of these impeachment proceedings. **Page S8608**

Public Safety Employer-Employee Cooperation Act: Senate resumed consideration of the motion to proceed to consideration of S. 3991, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions. **Pages S8613–17, S8617–27**

During consideration of this measure today, Senate also took the following action:

By 55 yeas to 43 nays (Vote No. 266), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S8626–27**

Emergency Senior Citizens Relief Act: Senate resumed consideration of the motion to proceed to consideration of S. 3985, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions. **Pages S8627–28**

During consideration of this measure today, Senate also took the following action:

By 53 yeas to 45 nays (Vote No. 267), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S8627–28**

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Republican Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, reappointed the following individuals to the United States-China Economic Security Review Commission:

Robin Cleveland of Virginia for a term expiring December 31, 2012, and Dennis C. Shea of Virginia for a term expiring December 31, 2012. **Page S8655**

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission:

C. Richard D'Amato of Maryland for a term beginning January 1, 2011, and expiring December 31, 2012, vice Peter Videnieks of Virginia.

Pages S8655–56

A unanimous-consent-time agreement was reached providing that the cloture vote on the motion to proceed to consideration of S. 3992, Development, Relief, and Education for Alien Minors Act, occur at 11 a.m., on Thursday, December 9, 2010, with the time following any Leader time, until 11 a.m., equally divided and controlled between the two Leaders, or their designees; that following any Leader statement, Senator Durbin be recognized for up to 10 minutes; Senate then resume the motion to proceed to consideration of S. 3992; that during Thursday's session, Senator Bennett be recognized, after any votes Thursday morning, to speak for up to 20 minutes for his farewell speech, and that Senator Dorgan be recognized at 2 p.m., for up to 20 minutes for his farewell speech; and also that Senator Bunning be recognized at 1 p.m., for up to 30 minutes for his farewell speech. **Page S8651**

Retiring Members Tributes—Agreement: A unanimous-consent agreement was reached providing that there be printed as a Senate document a compilation of materials from the *Congressional Record* in the tribute to retiring members of the 111th Congress, and that members have until Thursday, December 16, 2010, to submit such tributes.

Page S8655

Nominations Received: Senate received the following nominations:

Albert J. Beveridge III, of the District of Columbia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Constance M. Carroll, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

Cathy M. Davidson, of North Carolina, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

41 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Marine Corps, and Navy. **Pages S8656–58**

Messages from the House: **Page S8639**

Measures Referred: **Page S8639**

Executive Communications: **Pages S8639–41**

Executive Reports of Committees: **Page S8641**

Additional Cosponsors: **Pages S8641–42**

Statements on Introduced Bills/Resolutions: **Page S8642**

Additional Statements: **Pages S8638–39**

Amendments Submitted: **Pages S8642–51**

Authorities for Committees to Meet: **Page S8651**

Quorum Calls: One quorum call was taken today. (Total—8) **Pages S8607–08**

Record Votes: Eight record votes were taken today. (Total—267) **Pages S8608–11, S8626–28**

Adjournment: Senate convened at 9:31 a.m. and adjourned at 7:09 p.m., until 9:30 a.m. on Thursday, December 9, 2010. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8656.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee announced the following subcommittee assignments:

Subcommittee on AirLand: Senators Lieberman (Chair), Bayh, Webb, McCaskill, Hagan, Begich, Coons, Thune, Inhofe, Sessions, Chambliss, Brown (MA), and Burr.

Subcommittee on Emerging Threats and Capabilities: Senators Nelson (FL) (Chair), Reed, Nelson (NE), Bayh, Udall (CO), Bingaman, Manchin, Coons, LeMieux, Graham, Wicker, Brown (MA), Burr, Collins, and Kirk.

Subcommittee on Personnel: Senators Webb (Chair), Lieberman, Akaka, Nelson (NE), McCaskill, Hagan, Begich, Bingaman, Graham, Chambliss, Thune, Wicker, LeMieux, Vitter, and Collins.

Subcommittee on Readiness and Management Support: Senators Bayh (Chair), Akaka, McCaskill, Udall (CO), Manchin, Burr, Inhofe, Chambliss, and Thune.

Subcommittee on Seapower: Senators Reed (Chair), Lieberman, Akaka, Nelson (FL), Webb, Hagan, Coons, Wicker, Sessions, LeMieux, Vitter, Collins, and Kirk.

Subcommittee on Strategic Forces: Senators Nelson (NE) (Chair), Reed, Nelson (FL), Udall (CO), Begich, Bingaman, Manchin, Vitter, Sessions, Inhofe, Graham, Brown (MA), and Kirk.

Senators Levin and McCain serve as ex-officio members of all subcommittees.

U.S. CAPITAL MARKETS

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment with the Committee on Homeland Security and Government Affairs Permanent Subcommittee on Investigations concluded joint hearings to examine the efficiency, stability, and integrity of the United States capital markets, after receiving testimony from Mary L. Schapiro, Chairman, United

States Securities and Exchange Commission; Gary Gensler, Chairman, Commodities Futures Trading Commission; James J. Angel, Georgetown University McDonough School of Business, Washington, D.C.; Thomas Peterffy, Interactive Brokers Groups, Greenwich, Connecticut; Manoj Narang, Tradeworx Inc., Red Bank, New Jersey; Kevin Cronin, Invesco Ltd., Atlanta, Georgia; and Stephen Luparello, Financial Industry Regulator Authority, Alexandria, Virginia.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the nominations of Scott C. Doney, of Massachusetts, to be Chief Scientist of the National Oceanic and Atmospheric Administration, Department of Commerce, Mario Cordero, of California, and Rebecca F. Dye, of North Carolina, both to be a Federal Maritime Commissioner, and a promotion list in the National Oceanic and Atmospheric Administration and Coast Guard.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, Steve C. Jones, to be United States District Judge for the Northern District of Georgia, and Patti B. Saris, of Massachusetts, to be Chair, and Dabney Langhorne Friedrich, of Maryland, both to be a Member of the United States Sentencing Commission.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 6500–6507, and 1 resolution, H. Res. 1757, were introduced. **Pages H8263–64**

Additional Cosponsors: **Page H8264**

Reports Filed: Reports were filed today as follows:

H. Res. 1755, providing for consideration of the Senate amendment to the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (H. Rept. 111–675);

H.R. 3190, to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service cannot be sold violates the Sherman Act (H. Rept. 111–676); and

H. Res. 1756, providing for consideration of the Senate amendments to the bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes (H. Rept. 111–677). **Page H8263**

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H8091**

Chaplain: The prayer was offered by the guest chaplain, Lieutenant Christilene Whalen, Chaplain Corps, United States Navy, Patuxent River, Maryland. **Page H8091**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Social Security Number Protection Act of 2010: S. 3789, to limit access to Social Security account numbers; **Pages H8100–02**

Recognizing and supporting the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders: H. Res. 1746, amended, to recognize and support the efforts of Welcome Back Veterans to augment the services provided by the Departments of Defense and Veterans Affairs in providing timely and world-class care for veterans and members of the Armed Forces suffering from PTSD and related psychiatric disorders, by a ⅔ recorded vote of 409 ayes with none voting "no", Roll No. 621; **Pages H8102–04, H8151–52**

Excluding an external power supply for certain security or life safety alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act: H.R. 5470, to exclude an external power supply for certain security or life safety

alarms and surveillance system components from the application of certain energy efficiency standards under the Energy Policy and Conservation Act;

Pages H8104–05

Guarantee of a Legitimate Deal Act: H.R. 4501, amended, to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet Web site, by a ⅔ yea-and-nay vote of 324 yeas to 81 nays, Roll No. 620; **Pages H8105–07, H8151**

Weekends Without Hunger Act: H.R. 5012, amended, to amend the Richard B. Russell National School Lunch to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year; and

Pages H8112–14

Agreed to amend the title so as to read: ''To amend the Richard B. Russell National School Lunch Act to establish a weekend and holiday feeding program to provide nutritious food to at-risk school children on weekends and during extended school holidays during the school year.''. **Page H8114**

CAPTA Reauthorization Act of 2010: S. 3817, amended, to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts. **Pages H8114–31**

Suspensions—Failed: The House failed to agree to suspend the rules and pass the following measures:

Seniors Protection Act of 2010: H.R. 5987, amended, to ensure that seniors, veterans, and people with disabilities who receive Social Security and certain other Federal benefits receive a one-time $250 payment in the event that no cost-of-living adjustment is payable in 2011, by a ⅔ yea-and-nay vote of 254 yeas to 153 nays, Roll No. 611 and

Pages H8094–H8100, H8170–71

Robert C. Byrd Mine Safety Protection Act of 2010: H.R. 6495, amended, to improve compliance with mine safety and health laws, empower miners to raise safety concerns, and prevent future mine tragedies, by a ⅔ yea-and-nay vote of 214 yeas to 193 nays, Roll No. 616. **Pages H8131–44, H8145**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, December 7th:

Congratulating imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize: H. Res. 1717, amended, to congratulate imprisoned Chinese democracy advocate Liu Xiaobo on the award of the 2010 Nobel Peace Prize, by a ⅔ yea-and-nay vote of 402 yeas to 1 nay, Roll No. 612; **Page H8108**

Supporting the goal of eradicating illicit marijuana cultivation on Federal lands: H. Res. 1540, amended, to support the goal of eradicating illicit marijuana cultivation on Federal lands and to call on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations operating on Federal lands, by a ⅔ yea-and-nay vote of 400 yeas to 4 nays, Roll No. 613;

Pages H8108–09

Agreed to amend the title so as to read: ''Supporting the goal of eradicating illicit marijuana cultivation on Federal lands and calling on the Director of the Office of National Drug Control Policy to develop a coordinated strategy to permanently dismantle Mexican drug trafficking organizations and other criminal groups operating on Federal lands.''.

Page H8109

Expressing support for designation of 2011 as ''World Veterinary Year'': H. Res. 1531, to express support for designation of 2011 as ''World Veterinary Year'' to bring attention to and show appreciation for the veterinary profession on its 250th anniversary, by a ⅔ recorded vote of 406 ayes with none voting ''no'', Roll No. 614; **Pages H8109–10**

Recognizing the 50th anniversary of the National Council for International Visitors: H. Res. 1402, amended, to recognize the 50th anniversary of the National Council for International Visitors, and to express support for designation of February 16, 2011, as ''Citizen Diplomacy Day'', by a ⅔ recorded vote of 394 ayes to 13 noes with 1 voting ''present'', Roll No. 617; **Pages H8145–46**

Honoring the 2500th anniversary of the Battle of Marathon: H. Res. 1704, amended, to honor the 2500th anniversary of the Battle of Marathon, by a ⅔ recorded vote of 359 ayes to 44 noes with 5 voting ''present'', Roll No. 618; **Pages H8146–47**

Criminal History Background Checks Pilot Extension Act of 2010: S. 3998, to extend the Child Safety Pilot Program, by a ⅔ recorded vote of 401 ayes to 2 noes, Roll No. 624; and **Page H8222**

Providing for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs: H.R. 3353, to provide for American Samoa and the Commonwealth of the Northern Marianas to be treated as States for certain criminal justice programs. **Page H8243**

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. 1752, 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 215 yeas to 194 nays, Roll No. 615, after the previous question was ordered without objection.

Pages H8110–11, H8144–45

Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010: The House concurred in the Senate amendment to H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, with the amendment printed in H. Rept. 111–675, by a yea-and-nay vote of 212 yeas to 206 nays, Roll No. 622. **Pages H8152–H8213, H8220–21**

H. Res. 1755, the rule providing for consideration of the Senate amendment, was agreed to by a yea-and-nay vote of 207 yeas to 206 nays, Roll No. 619, after the previous question was ordered without objection. **Pages H8147–51**

DREAM Act: The House concurred in the Senate amendments numbered 1 and 2 to H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and concurred in the Senate amendment numbered 3 with the amendment printed in H. Rept. 111–677, by a yea-and-nay vote of 216 yeas to 198 nays, Roll No. 625. **Pages H8222–43**

H. Res. 1756, the rule providing for consideration of the Senate amendments, was agreed to by a yea-and-nay vote of 211 yeas to 208 nays, Roll No. 623, after the previous question was ordered without objection. **Pages H8213–20, H8221–22**

Senate Messages: Messages received from the Senate today appear on pages H8091 and H8243.

Senate Referrals: S. 3984 was referred to the Committee on Education and Labor; S. 3199 and S. 3036 were held at the desk. **Page H8262**

Quorum Calls—Votes: Ten yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H8107, H8108, H8108–09, H8109–10, H8144–45, H8145, H8145–46, H8146–47, H8150, H8151, H8151–52, H8220–21, H8221–22, H8222, and H8242–43. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:41 p.m.

Committee Meetings

SEC OFFERING LIMIT INCREASE

Committee on Financial Services: Held a hearing entitled "A Proposal to Increase the Offering Limit Under SEC Regulation A." Testimony was heard from Representative Eshoo; and public witnesses.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010 (FULL-YEAR CR AND FOOD SAFETY)

Committee on Rules: Granted by a non-record vote, a rule for consideration of the Senate amendment to H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010 (Full-Year FY11 CR and Food Safety). The rule makes in order a motion offered by the chair of the Committee on Appropriations that the House concur in the Senate amendment to H.R. 3082 with the amendment printed in the report of the Committee on Rules. The rule provides one hour of debate on the motion, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against consideration of the motion. The rule provides that the Senate amendment and the motion shall be considered as read. Testimony was heard from Chairman Obey and Representatives Dingell, and Kagen.

REMOVAL CLARIFICATION ACT OF 2010 (DEVELOPMENT, RELIEF, EDUCATION FOR ALIEN MINORS (DREAM) ACT)

Committee on Rules: Granted , by a record vote of 8–2, a rule providing for the consideration of the Senate amendments to H.R. 5281, the Removal Clarification Act of 2010 (Development, Relief, and Education for Alien Minors (DREAM) Act). The rule makes in order a motion offered by the chair of the Committee on the Judiciary that the House concur in the Senate amendments numbered 1 and 2, and that the House concur in the Senate amendment numbered 3 with the amendment printed in the Rules Committee report. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. Finally, the rule provides that the Senate amendments and the motion shall be considered as

read. Testimony was heard from Representatives Zoe Lofgren of California, Goodlatte, and King of Iowa.

Joint Meetings

WESTERN BALKANS

Commission on Security and Cooperation in Europe. Commission concluded a hearing to examine the Western Balkans, focusing on developments in 2010 and hopes for the future, after receiving testimony from Thomas Countryman, Deputy Assistant Secretary of State for European and Eurasian Affairs.

COMMITTEE MEETINGS FOR THURSDAY, DECEMBER 9, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: To hold hearings to examine the nomination of Ramona Emilia Romero, of Pennsylvania, to be General Counsel of the Department of Agriculture, 10:30 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine the state of the credit union industry; to be immediately followed by a hearing to examine the nomination of Joseph A. Smith, Jr., of North Carolina, to be Director of the Federal Housing Finance Agency, 10 a.m., SD–538.

Committee on Finance: To hold hearings to examine the nomination of Carolyn W. Colvin, of Maryland, to be Deputy Commissioner of Social Security, Social Security Administration, 10 a.m., SD–215.

Committee on Foreign Relations: To hold hearings to examine the nominations of Sue Kathrine Brown, of Texas, to be Ambassador to Montenegro, Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, David Lee Carden, of New York, to be Representative to the Association of Southeast Asian Nations, with the rank and status of Ambassador, Pamela L. Spratlen, of California, to be Ambassador to the Kyrgyz Republic, and Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam, all of the Department of State, and Eric G. Postel, of Wisconsin, to be an Assistant Administrator of the United States Agency for International Development, 9:30 a.m., SD–419.

Select Committee on Intelligence: To hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Energy and Commerce, Subcommittee on Health, hearing entitled ''Alzheimer's Disease: The Ongoing Challenges,'' 11 a.m., 2322 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on Civil Liberties and National Security, 9:30 a.m., 2141 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Update on WikiLeaks Unauthorized Disclosures, 1 p.m., 304–HVC.

Next Meeting of the SENATE

9:30 a.m., Thursday, December 9

Senate Chamber

Program for Thursday: Senate will resume consideration of the motion to proceed to consideration of S. 3992, Development, Relief, and Education for Alien Minors Act, and after a period of debate, vote on the motion to invoke cloture on the motion to proceed to consideration of the bill at approximately 11 a.m.; following which, if cloture is not invoked, Senate will vote on the motion to invoke cloture on the motion to proceed to consideration of H.R. 847, James Zadroga 9/11 Health and Compensation Act, with the possibility of reconsideration of the vote by which cloture was not invoked on the motion to proceed to consideration of S. 3454, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, December 9

House Chamber

Program for Thursday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Bordallo, Madeleine Z., Guam, E2093
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Woolsey, Lynn C., Calif., E2090
Yarmuth, John A., Ky., E2090

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