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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker.

PRAYER

Monsignor Stephen J. Rossetti, Catholic University of America, Washington, D.C., offered the following prayer:

Good and gracious God, as the year draws to a close, we reflect upon all that has taken place. It is easy for us to thank and praise You for the many good things. It is more difficult to see Your hand in the hard times.

Help us to treasure each event, each moment of our lives. Help us to know that Your all-powerful spirit brings life and grace out of everything in our lives.

May we embrace the joys and the sorrows. May we embrace the signs of new life and the crosses.

As we look forward to a new year, may we look to it with expectation and hope, knowing that You will guide and direct our lives in everything that comes our way.

May we praise and thank You for the year that is passing and for the year that is to come.

We pray this in Your holy name.

Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri (Mr. SKELTON) come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON 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.

REPEAL OF DON'T ASK, DON'T TELL

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

Mr. POLIS. Madam Speaker, I just returned from the signing of the repeal of Don't Ask, Don't Tell. The President spoke wisely and strongly and welcomed those who were discharged under the Don't Ask, Don't Tell policy to consider reenlisting.

President Obama said:

''There will never be a full accounting of the heroism demonstrated by gay Americans in service to this country.'' He continued, ''As the first generation to serve openly in our armed services, you will stand for all those who came before you, and you will serve as role models for all those who come after you.''

Madam Speaker, today is an important day, not just for gay and lesbian members of the military, but to all of us who are gay or lesbian, to our families, to our friends, for they all know that today we hold our heads a little higher as Americans. We are closer to equal treatment under the law, which is all we've ever asked for.

Our government will no longer be an instrument of discrimination against us, and all America will see and be told of the patriotism of the gay and lesbian Americans who proudly defend a country that today is one step closer to considering us equal.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. EDWARDS of Maryland) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2010 at 9:41 a.m.:

That the Senate passed without amendment H.R. 5470.

That the Senate passed without amendment H.R. 4445.

That the Senate passed S. 3903.

That the Senate passed with amendments H.R. 6523.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

□ 1110

SOUTH CAROLINA GAINS A CONGRESSIONAL SEAT

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

Mr. WILSON of South Carolina. Madam Speaker, I am grateful to welcome the addition of a new congressional seat to my home State of South Carolina, one of America's fastest growing States. The Census Bureau announced the State's population has grown enough to merit one more Representative in Congress. Our State has been enhanced by transplants from the Midwest and Northeast and from people across the world due to a mild climate and lower tax rates.

After 80 years, it appears we will regain a seventh House Member. The people of South Carolina will now have another advocate on their behalf in Washington and another electoral vote for President. Growing our representation on Capitol Hill is a key factor in achieving goals for the people of South Carolina. Our State will have another voice fighting for conservative principles with the new district on the Grand Strand with Florence.

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

Godspeed to Marine Captain Ky Hunter, who has successfully accomplished her service for the people of the Second District of South Carolina, and now will be in the liaison office of the Marine Corps.

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. SKELTON. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6523) 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, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike title XVII and corresponding table of contents on page 18.

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

Ms. BORDALLO. Madam Speaker, reserving the right to object, I take this moment to express great disappointment at the situation the House now finds itself. It is very unfortunate that before us is an amended version of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

Last night, the other body struck title XVII of the version of the bill that this House passed last Friday, December 17. Title XVII, Madam Speaker, was the Guam World War II Loyalty Recognition Act, which the House has passed on multiple occasions with strong bipartisan support. Several Senators objected to its inclusion in the bill. They expressed concerns over its budgetary impact, and indicated a willingness to work toward identifying an acceptable way to authorize and pay the claims.

I regret the inability to resolve this matter at this time, and I am very appreciative of the strong support from Chairman SKELTON and incoming chairman of the House Armed Services Committee Mr. MCKEON of California for their strong support of this provision. The unresolved nature of Guam war claims has serious implications for the military build-up on Guam. I appreciate the administration's strong support for this provision. The administration recognizes the connection between resolving this issue and successfully implementing the military build-up on Guam.

We will continue our work to bring closure to this matter of justice for the people of Guam, and to act on the legislative recommendations of the Federal Guam War Claims Review Commission that reported to Congress pursuant to Public Law 107–333. It was not for a lack of effort from this body, and we will continue to build on the progress we've made. The underlying bill is important for our national defense and for our men and women in uniform and their families, and therefore this body is left no other choice but than to concur with the Senate amendments at this time.

Again, I want to thank everyone who has assisted me, both the leaders and to the multiple staff members who have helped us through this process.

Mr. SKELTON. Madam Speaker, I'll keep my remarks brief as this is the third time that the House will debate and vote on the National Defense Authorization Act for Fiscal Year 2011. They say that the third time is the charm. Let it be so this morning.

I return to the floor with this bill because the Senate found it necessary to delete a portion of the House-passed bill in order to achieve the consensus needed to move the bill to final passage. The Senate amendment removes from the House bill Title 17, which dealt with Guam War Claims. I am deeply disappointed in the Senate's decision to remove this important legislation, which I strongly support and which has been so ably advocated by the delegate from Guam. However, here we are and we are out of time to engage with a back and forth with the Senate. We must move this bill to the President's desk or watch it die. That is why I ask for unanimous consent for the House to concur to the Senate amendment to H.R. 6523.

Let me briefly repeat what I said the other day. This bill is must pass legislation with many provisions that cannot become law any other way. This bill stops an increase in health care fees from hitting the families of military personnel; authorizes military families to extend TRICARE coverage to their dependent children under age 26; and adopts comprehensive legislation fighting sexual assault in the military. It creates a counter-IED database and enhances the effort to develop new, lightweight body armor. It gives DOD new

tools and authorities to reduce its energy demand while improving military readiness. It bolsters our defense against cyber attacks. It requires independent assessments of the National Nuclear Security Administration modernization plan and of the annual budget request for sustaining a strong deterrent. It aligns the Navy's long term shipbuilding plan with the QDR. And, it includes significant acquisition reform, the Improve Acquisition Act of 2010, which could save as much as $135 billion over the next 5 years. That is just a sampling of the good work done in this bill.

I ask the House to support the men and women of the armed forces by passing this bill by unanimous consent, and ensure that the National Defense Authorization Act finally becomes law.

Mr. GENE GREEN of Texas. Madam Speaker, H.R. 6523 is a strong bill that is intended to provide essential funding for our nation's troops, including providing our brave men and women in uniform the tools they need to succeed in our nation's missions in Iraq and Afghanistan.

Mr. WILSON of South Carolina. Madam Speaker, I rise to express my concerns about the Senate Amendment to H.R. 6523, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011. The Senate amendment struck Title XVII of the underlying bill, once again, denying the people of Guam the promise of closure and justice on the matter of Guam War Claims.

The text of Title XVII was a compromise that eliminated payments to descendents of survivors of the brutal occupation that were subjected to personal injury. I support that compromise; in fact, I am an original co-sponsor of H.R. 44, the Guam World War II Loyalty Recognition Act. It is important that we bring closure to this long standing injustice for the people of Guam. It is even more important given that the realignment of Marines from Okinawa to Guam will begin in earnest over the coming year.

I have travelled to Guam on a number of occasions and have been so impressed by the patriotism of the people led by Governor Felix Camacho and First Lady Joann Camacho, and I recognize the importance of this legislation to the Chamorro people. I look forward to working with Congresswoman MADELEINE BORDALLO and Incoming Chairman Congressman BUCK MCKEON, incoming Chairman of the House Armed Services Committee, to address this matter in next year's defense authorization bill. It is time to finally bring closure to this long standing matter for the people of Guam which is so strategic for our nation's defense and where America's day begins. I appreciate the tireless efforts of Congresswoman MADELEINE BORDALLO's service for the people of Guam.

Ms. BORDALLO. Madam Speaker, I withdraw my reservation.

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

There was no objection.

A motion to reconsider was laid on the table.

SAYING GOOD-BYE TO FRIENDS AND COLLEAGUES

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

Mr. YARMUTH. Madam Speaker, I rise today to say good-bye to some dear friends and colleagues. Four years ago, we arrived in this body, over 40 of us, and we were called the majority makers because we had brought control of the House back to the Democrats. And now 18 of us are leaving for other endeavors. They have become more than colleagues and Members and great Americans, they have become part of a family.

So I salute BARON HILL, PAUL HODES, JOHN HALL, CAROL SHEA-PORTER, PATRICK MURPHY, RON KLEIN, STEVE KAGEN, JOE SESTAK, BRAD ELLSWORTH, CHARLIE WILSON, CHRIS CARNEY, ZACK SPACE, HARRY MITCHELL, MIKE ARCURI, PHIL HARE, BILL FOSTER, TRAVIS CHILDERS, and CIRO RODRIGUEZ. Although their faces will not appear in this body, at least on a frequent basis, the memories and the legacy that they have left will live on forever.

THE RUMP CONGRESS

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

Mr. MCCLINTOCK. Madam Speaker, this lame duck session is rapidly descending into farce. I believe the House is now in danger of becoming a caricature of everything the American people rejected in November: incompetence, arrogance, and a complete detachment from reality.

Nearly 2 months ago, the American people said very clearly they don't want this Congress legislating for them any longer. And instead of graciously and humbly accepting the public's verdict, the Democratic leaders seem intent to thumb their nose at the American people.

Perhaps the most bitter indictment of a malingering legislative body was delivered by Cromwell to the Rump Parliament. His words seem appropriate now to this rump Congress:

''You have sat here too long for any good you have been doing. It is not fit that you should sit here any longer. You shall now give way to better men. Now depart and go, I say, in the name of God, go.''

CELEBRATING THE 111TH CONGRESS

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

Mr. COHEN. Madam Speaker, today does end the 111th Congress, which Norm Ornstein, one of the most respected historians and observers of public events, said was the most historic and productive Congress since 1965.

I am proud to have been a Member of this 111th Congress that gave us health care, which this country yearned for for over 100 years; that saved us from the precipice of economic decline with the stimulus act that has done much good for this country and saved us from a great depression; that gave us the Lilly Ledbetter law for women who were discriminated against in the workplace; that gave us Don't Ask, Don't Tell; that also gave us credit card reform, student loan reform, additional Pell Grants, tobacco regulations, and food safety legislation.

This 111th Congress did more than any Congress since Lyndon Johnson's in 1965 to 1966, and did it under the effective, passionate, honest, and remarkable leadership of the most historic Speaker in the House of Representatives' history, the Honorable NANCY PELOSI, who I am proud to have voted for and served with.

CONGRATULATING LADY NITTANY LIONS VOLLEYBALL TEAM

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, the Lady Nittany Lions volleyball team went to Kansas City on Saturday, December 18, and brought home a terrific and unprecedented Christmas present to their school, Penn State University. They won their fourth straight NCAA Division I championship.

While the team was undefeated in their previous two seasons, they were 32–5 going into the championship this year, and the California Golden Bears went into the match with a 30–4 season. The two teams have dominated the championships, meeting for 4 consecutive years in the regionals, semis or finals.

This was Coach Russ Rose's fifth championship, and the ladies celebrated by giving their coach a ring for his thumb. He is the first coach in NCAA Division I women's volleyball history to win five national titles.

The most outstanding player was Deja McClendon. Blair Brown summed up the feelings of the team in this quote:

''We're thrilled to have four national championships, but the legacy we want to leave is the program's history, I guess. It's the tradition of working hard every day in practice and going hard, because that's how you get here.''

Congratulations to the team, the coach, and the school for this outstanding record.

PASS THE 9/11 FIRST RESPONDERS BILL

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

Mr. PAYNE. This is my country! Land of my birth!

This is my country! Grandest on Earth!

I pledge thee my allegiance, America, the bold,

For this is my country to have and to hold.

This is my country! Land of my choice!

This is my country! Hear my proud voice!

I pledge thee my allegiance, America, the bold,

For this is my country to have and to hold.

As a youngster in elementary school, I sang this song proudly many times. And nearly a decade ago, 9/11 responders embodied the American spirit proclaimed in this song when they dropped everything to help this country. These Americans paid the ultimate sacrifice and risked their health and lives when our country was attacked. Unfortunately, many have developed health issues as a result of their service.

But my Republican colleagues believe that this treatment is too costly. The 9/11 Health and Compensation Act would provide monitoring and specialized treatment for those responders who were exposed to toxins during 9/11 and this bill is completely paid for. No responders questioned whether they should go in.

Those American flag-wearing lapel Senators should vote for the 9/11 Health and Compensation Act.

□ 1120

CONTINUING RECORD OF SUCCESSFUL JOB CREATION

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

Mr. CARSON of Indiana. Madam Speaker, I rise to express my hope that the 112th Congress will continue this Congress' record of successful job creation.

We have taken the necessary steps during this, the most productive Congress in years, to pass a long list of important legislation. From middle class tax relief to the small business jobs initiatives, to teacher and health care jobs, to programs helping to keep Americans in their homes, the 111th Congress has succeeded in moving the American people's agenda forward. We have already created millions of jobs and spurred 11 months of private-sector job growth.

But this recession cannot be corrected overnight. Next year, we must all focus on building the next generation of workers, increasing access to quality education, remaining competitive in the global marketplace and reducing the deficit. Together, we must all continue moving our country forward. I look forward to working with my colleagues on both sides of the aisle in the next Congress.

Thank you, God bless, happy holidays, and happy new year.

MOST ASTUTE, CONSCIENTIOUS CONGRESS IN THE HISTORY OF THE NATION

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

Ms. JACKSON LEE of Texas. Madam Speaker, my colleagues are absolutely right. This has been the most astute and conscientious Congress in the history of our Nation, the 111th Congress, led by the very astute and courageous NANCY PELOSI, the historic first woman Speaker. I thank her and the leadership.

Thank you for health care and Wall Street reform. Thank you for the reform of the GI Bill, to provide more opportunity. And, as well, thank you for moving and pushing compassionately the repeal of Don't Ask, Don't Tell. The White House ceremony today was powerful.

Thank you again for recognizing that the 9/11 heroes health bill must be taken care of. I ask the other body to act now and do not go home without doing so. But yet the omnibus bill that will help so many millions of Americans with resources directed to them has been imploded, and I call upon the Senate, I call upon this House when we return, to be able to return America's resources back to them. We negotiated that omnibus. It is time to make sure that those veterans and those who need PTSD recovery and those who need health care are provided for through this omnibus bill.

Happy holiday, Merry Christmas and Happy New Year.

PASS THE 9/11 HEALTH BENEFITS BILL

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

Mr. HIMES. Madam Speaker, what does the Congress owe the American people? I think it owes a young man or a young woman who will put on the uniform of this Nation and agree to sacrifice his or her life the right to serve. The Republicans, all but a handful of courageous Republicans, disagree.

I think that it owes a child who was brought here by their parents from a country they don't know, who speaks a language they don't speak, the opportunity to serve, to get a degree, to ultimately become an American. The Republicans disagree.

But I know, Madam Speaker, that we owe those brave responders who went to the site of 9/11 and risked their health and risked their lives to serve others in this Nation's moment of pain, we owe them health care. The Republican Party disagrees. And it is to the shame of this institution and it will be to the eternal shame of the Republican Party if they do not allow us, after helping the banks, after helping the auto companies, after helping Americans, if they do not allow us to help the volunteers of 9/11.

A VERY PRODUCTIVE CONGRESS

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

Mr. PALLONE. Madam Speaker, I don't think there is any doubt that this has been one of the most productive Congresses in American history, but I also want to talk about the lame duck session and how productive that has been as well.

In this lame duck session, we have had one of the largest major tax cuts to help the average person, to help the middle class, in the history of the Republic. Child tax credits, payroll tax reduction, education tax benefits, the list goes on.

In addition to that, we did the ''doc fix'' for Medicare for another year. We also repealed Don't Ask, Don't Tell. Finally, yesterday, we did the food safety bill, one of the most comprehensive bills that we could possibly pass.

So there is no question that this has been a productive Congress, and this has been a very productive lame duck Congress. I am also hopeful that today in the Senate and here in the House we will also pass the 9/11 health bill for first responders, and that will complete, again, one of the most productive lame duck sessions and productive Congresses in American history.

GENERAL LEAVE

Mr. HIMES. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on the Senate amendments to H.R. 6523.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1550

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland) at 3 o'clock and 50 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2010 at 11:30 a.m.:

That the Senate passed S. 4053.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2010 at 2:17 p.m.:

That the Senate passed without amendment H.R. 6398.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 22, 2010 at 3:11 p.m.:

That the Senate passed with an amendment H.R. 847.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

CONDITIONAL ADJOURNMENT TO FRIDAY, DECEMBER 24, 2010

Mr. ARCURI. Madam Speaker, I ask unanimous consent that when the House adjourns today on a motion offered pursuant to this order, it adjourn to meet at 11 a.m. on Friday, December 24, 2010, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 336, in which case the House shall stand adjourned sine die pursuant to that concurrent resolution.

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

There was no objection.

JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT OF 2010

Mr. ARCURI. Madam Speaker, I ask unanimous consent that it be in order at any time to take from the Speaker's table the bill H.R. 847, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 in rule XXI, a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 30 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Energy and Commerce; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

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

There was no objection.

Mr. PALLONE. Madam Speaker, pursuant to the order of the House of today, I call up the bill (H.R. 847) to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, 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:

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 ''James Zadroga 9/11 Health and Compensation Act of 2010''.

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

TITLE I—WORLD TRADE CENTER HEALTH PROGRAM

SEC. 101. WORLD TRADE CENTER HEALTH PROGRAM.

The Public Health Service Act is amended by adding at the end the following new title:

''TITLE XXXIII—WORLD TRADE CENTER HEALTH PROGRAM

''Subtitle A—Establishment of Program; Advisory Committee

''SEC. 3301. ESTABLISHMENT OF WORLD TRADE CENTER HEALTH PROGRAM.

''(a) IN GENERAL.—There is hereby established within the Department of Health and Human Services a program to be known as the World Trade Center Health Program, which shall be administered by the WTC Program Administrator, to provide beginning on July 1, 2011—

''(1) medical monitoring and treatment benefits to eligible emergency responders and recovery and cleanup workers (including those who are Federal employees) who responded to the September 11, 2001, terrorist attacks; and

''(2) initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by such attacks.

''(b) COMPONENTS OF PROGRAM.—The WTC Program includes the following components:

''(1) MEDICAL MONITORING FOR RESPONDERS.—Medical monitoring under section 3311, including clinical examinations and long-term health monitoring and analysis for enrolled WTC responders who were likely to have been exposed to airborne toxins that were released, or to other hazards, as a result of the September 11, 2001, terrorist attacks.

''(2) INITIAL HEALTH EVALUATION FOR SURVIVORS.—An initial health evaluation under section 3321, including an evaluation to determine eligibility for followup monitoring and treatment.

''(3) FOLLOWUP MONITORING AND TREATMENT FOR WTC-RELATED HEALTH CONDITIONS FOR RESPONDERS AND SURVIVORS.—Provision under sections 3312, 3322, and 3323 of followup monitoring and treatment and payment, subject to the provisions of subsection (d), for all medically necessary health and mental health care expenses of an individual with respect to a WTC-related health condition (including necessary prescription drugs).

''(4) OUTREACH.—Establishment under section 3303 of an education and outreach program to potentially eligible individuals concerning the benefits under this title.

''(5) CLINICAL DATA COLLECTION AND ANALYSIS.—Collection and analysis under section 3304 of health and mental health data relating to individuals receiving monitoring or treatment benefits in a uniform manner in collaboration with the collection of epidemiological data under section 3342.

''(6) RESEARCH ON HEALTH CONDITIONS.—Establishment under subtitle C of a research program on health conditions resulting from the September 11, 2001, terrorist attacks.

''(c) NO COST SHARING.—Monitoring and treatment benefits and initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to an enrolled WTC responder or certified-eligible WTC survivor. Initial health evaluation benefits are provided under subtitle B without any deductibles, copayments, or other cost sharing to a screening-eligible WTC survivor.

''(d) PREVENTING FRAUD AND UNREASONABLE ADMINISTRATIVE COSTS.—

''(1) FRAUD.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program's health care expenditures to detect fraudulent or duplicate billing and payment for inappropriate services. This title is a Federal health care program (as defined in section 1128B(f) of the Social Security Act) and is a health plan (as defined in section 1128C(c) of such Act) for purposes of applying sections 1128 through 1128E of such Act.

''(2) UNREASONABLE ADMINISTRATIVE COSTS.—The Inspector General of the Department of Health and Human Services shall develop and implement a program to review the WTC Program for unreasonable administrative costs, including with respect to infrastructure, administration, and claims processing.

''(e) QUALITY ASSURANCE.—The WTC Program Administrator working with the Clinical Centers of Excellence shall develop and implement a quality assurance program for the monitoring and treatment delivered by such Centers of Excellence and any other participating health care providers. Such program shall include—

''(1) adherence to monitoring and treatment protocols;

''(2) appropriate diagnostic and treatment referrals for participants;

''(3) prompt communication of test results to participants; and

''(4) such other elements as the Administrator specifies in consultation with the Clinical Centers of Excellence.

''(f) ANNUAL PROGRAM REPORT.—

''(1) IN GENERAL.—Not later than 6 months after the end of each fiscal year in which the WTC Program is in operation, the WTC Program Administrator shall submit an annual report to the Congress on the operations of this title for such fiscal year and for the entire period of operation of the program.

''(2) CONTENTS INCLUDED IN REPORT.—Each annual report under paragraph (1) shall include at least the following:

''(A) ELIGIBLE INDIVIDUALS.—Information for each clinical program described in paragraph (3)—

''(i) on the number of individuals who applied for certification under subtitle B and the number of such individuals who were so certified;

''(ii) of the individuals who were certified, on the number who received monitoring under the program and the number of such individuals who received medical treatment under the program;

''(iii) with respect to individuals so certified who received such treatment, on the WTC-related health conditions for which they were treated; and

''(iv) on the projected number of individuals who will be certified under subtitle B in the succeeding fiscal year and the succeeding 10-year period.

''(B) MONITORING, INITIAL HEALTH EVALUATION, AND TREATMENT COSTS.—For each clinical program so described—

''(i) information on the costs of monitoring and initial health evaluation and the costs of treatment and on the estimated costs of such monitoring, evaluation, and treatment in the succeeding fiscal year; and

''(ii) an estimate of the cost of medical treatment for WTC-related health conditions that have been paid for or reimbursed by workers' compensation, by public or private health plans, or by New York City under section 3331.

''(C) ADMINISTRATIVE COSTS.—Information on the cost of administering the program, including costs of program support, data collection and analysis, and research conducted under the program.

''(D) ADMINISTRATIVE EXPERIENCE.—Information on the administrative performance of the program, including—

''(i) the performance of the program in providing timely evaluation of and treatment to eligible individuals; and

''(ii) a list of the Clinical Centers of Excellence and other providers that are participating in the program.

''(E) SCIENTIFIC REPORTS.—A summary of the findings of any new scientific reports or studies on the health effects associated with exposure described in section 3306(1), including the findings of research conducted under section 3341(a).

''(F) ADVISORY COMMITTEE RECOMMENDATIONS.—A list of recommendations by the WTC Scientific/Technical Advisory Committee on additional WTC Program eligibility criteria and on additional WTC-related health conditions and the action of the WTC Program Administrator concerning each such recommendation.

''(3) SEPARATE CLINICAL PROGRAMS DESCRIBED.—In paragraph (2), each of the following shall be treated as a separate clinical program of the WTC Program:

''(A) FIREFIGHTERS AND RELATED PERSONNEL.—The benefits provided for enrolled WTC responders described in section 3311(a)(2)(A).

''(B) OTHER WTC RESPONDERS.—The benefits provided for enrolled WTC responders not described in subparagraph (A).

''(C) WTC SURVIVORS.—The benefits provided for screening-eligible WTC survivors and certified-eligible WTC survivors in section 3321(a).

''(g) NOTIFICATION TO CONGRESS UPON REACHING 80 PERCENT OF ELIGIBILITY NUMERICAL LIMITS.—The Secretary shall promptly notify the Congress of each of the following:

''(1) When the number of enrollments of WTC responders subject to the limit established under section 3311(a)(4) has reached 80 percent of such limit.

''(2) When the number of certifications for certified-eligible WTC survivors subject to the limit established under section 3321(a)(3) has reached 80 percent of such limit.

''(h) CONSULTATION.—The WTC Program Administrator shall engage in ongoing outreach and consultation with relevant stakeholders, including the WTC Health Program Steering Committees and the Advisory Committee under section 3302, regarding the implementation and improvement of programs under this title.

''SEC. 3302. WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE; WTC HEALTH PROGRAM STEERING COMMITTEES.

''(a) ADVISORY COMMITTEE.—

''(1) ESTABLISHMENT.—The WTC Program Administrator shall establish an advisory committee to be known as the WTC Health Program Scientific/Technical Advisory Committee (in this subsection referred to as the 'Advisory Committee') to review scientific and medical evidence and to make recommendations to the Administrator on additional WTC Program eligibility criteria and on additional WTC-related health conditions.

''(2) COMPOSITION.—The WTC Program Administrator shall appoint the members of the Advisory Committee and shall include at least—

''(A) 4 occupational physicians, at least 2 of whom have experience treating WTC rescue and recovery workers;

''(B) 1 physician with expertise in pulmonary medicine;

''(C) 2 environmental medicine or environmental health specialists;

''(D) 2 representatives of WTC responders;

''(E) 2 representatives of certified-eligible WTC survivors;

''(F) an industrial hygienist;

''(G) a toxicologist;

''(H) an epidemiologist; and

''(I) a mental health professional.

''(3) MEETINGS.—The Advisory Committee shall meet at such frequency as may be required to carry out its duties.

''(4) REPORTS.—The WTC Program Administrator shall provide for publication of recommendations of the Advisory Committee on the public Web site established for the WTC Program.

''(5) DURATION.—Notwithstanding any other provision of law, the Advisory Committee shall continue in operation during the period in which the WTC Program is in operation.

''(6) APPLICATION OF FACA.—Except as otherwise specifically provided, the Advisory Committee shall be subject to the Federal Advisory Committee Act.

''(b) WTC HEALTH PROGRAM STEERING COMMITTEES.—

''(1) CONSULTATION.—The WTC Program Administrator shall consult with 2 steering committees (each in this section referred to as a 'Steering Committee') that are established as follows:

''(A) WTC RESPONDERS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Responders Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of monitoring and treatment programs for the enrolled WTC responders under part 1 of subtitle B.

''(B) WTC SURVIVORS STEERING COMMITTEE.—One Steering Committee, to be known as the WTC Survivors Steering Committee, for the purpose of receiving input from affected stakeholders and facilitating the coordination of initial health evaluations, monitoring, and treatment programs for screening-eligible and certified-eligible WTC survivors under part 2 of subtitle B.

''(2) MEMBERSHIP.—

''(A) WTC RESPONDERS STEERING COMMITTEE.—

''(i) REPRESENTATION.—The WTC Responders Steering Committee shall include—

''(I) representatives of the Centers of Excellence providing services to WTC responders;

''(II) representatives of labor organizations representing firefighters, police, other New York City employees, and recovery and cleanup workers who responded to the September 11, 2001, terrorist attacks; and

''(III) 3 representatives of New York City, 1 of whom will be selected by the police commissioner of New York City, 1 by the health commissioner of New York City, and 1 by the mayor of New York City.

''(ii) INITIAL MEMBERSHIP.—The WTC Responders Steering Committee shall initially be composed of members of the WTC Monitoring and Treatment Program Steering Committee (as in existence on the day before the date of the enactment of this title).

''(B) WTC SURVIVORS STEERING COMMITTEE.—

''(i) REPRESENTATION.—The WTC Survivors Steering Committee shall include representatives of—

''(I) the Centers of Excellence providing services to screening-eligible and certified-eligible WTC survivors;

''(II) the population of residents, students, and area and other workers affected by the September 11, 2001, terrorist attacks;

''(III) screening-eligible and certified-eligible survivors receiving initial health evaluations, monitoring, or treatment under part 2 of subtitle B and organizations advocating on their behalf; and

''(IV) New York City.

''(ii) INITIAL MEMBERSHIP.—The WTC Survivors Steering Committee shall initially be composed of members of the WTC Environmental Health Center Survivor Advisory Committee (as in existence on the day before the date of the enactment of this title).

''(C) ADDITIONAL APPOINTMENTS.—Each Steering Committee may recommend, if approved by a majority of voting members of the Committee, additional members to the Committee.

''(D) VACANCIES.—A vacancy in a Steering Committee shall be filled by an individual recommended by the Steering Committee.

''SEC. 3303. EDUCATION AND OUTREACH.

''The WTC Program Administrator shall institute a program that provides education and outreach on the existence and availability of services under the WTC Program. The outreach and education program—

''(1) shall include—

''(A) the establishment of a public Web site with information about the WTC Program;

''(B) meetings with potentially eligible populations;

''(C) development and dissemination of outreach materials informing people about the program; and

''(D) the establishment of phone information services; and

''(2) shall be conducted in a manner intended—

''(A) to reach all affected populations; and

''(B) to include materials for culturally and linguistically diverse populations.

''SEC. 3304. UNIFORM DATA COLLECTION AND ANALYSIS.

''(a) IN GENERAL.—The WTC Program Administrator shall provide for the uniform collection of data, including claims data (and analysis of data and regular reports to the Administrator) on the prevalence of WTC-related health conditions and the identification of new WTC-related health conditions. Such data shall be collected for all individuals provided monitoring or treatment benefits under subtitle B and regardless of their place of residence or Clinical Center of Excellence through which the benefits are provided. The WTC Program Administrator shall provide, through the Data Centers or otherwise, for the integration of such data into the monitoring and treatment program activities under this title.

''(b) COORDINATING THROUGH CENTERS OF EXCELLENCE.—Each Clinical Center of Excellence shall collect data described in subsection (a) and report such data to the corresponding Data Center for analysis by such Data Center.

''(c) COLLABORATION WITH WTC HEALTH REGISTRY.—The WTC Program Administrator shall provide for collaboration between the Data Centers and the World Trade Center Health Registry described in section 3342.

''(d) PRIVACY.—The data collection and analysis under this section shall be conducted and maintained in a manner that protects the confidentiality of individually identifiable health information consistent with applicable statutes and regulations, including, as applicable, HIPAA privacy and security law (as defined in section 3009(a)(2)) and section 552a of title 5, United States Code.

''SEC. 3305. CLINICAL CENTERS OF EXCELLENCE AND DATA CENTERS.

''(a) IN GENERAL.—

''(1) CONTRACTS WITH CLINICAL CENTERS OF EXCELLENCE.—The WTC Program Administrator shall, subject to subsection (b)(1)(B), enter into contracts with Clinical Centers of Excellence (as defined in subsection (b)(1)(A))—

''(A) for the provision of monitoring and treatment benefits and initial health evaluation benefits under subtitle B;

''(B) for the provision of outreach activities to individuals eligible for such monitoring and treatment benefits, for initial health evaluation benefits, and for followup to individuals who are enrolled in the monitoring program;

''(C) for the provision of counseling for benefits under subtitle B, with respect to WTC-related health conditions, for individuals eligible for such benefits;

''(D) for the provision of counseling for benefits for WTC-related health conditions that may be available under workers' compensation or other benefit programs for work-related injuries or illnesses, health insurance, disability insurance, or other insurance plans or through public or private social service agencies and assisting eligible individuals in applying for such benefits;

''(E) for the provision of translational and interpretive services for program participants who are not English language proficient; and

''(F) for the collection and reporting of data, including claims data, in accordance with section 3304.

''(2) CONTRACTS WITH DATA CENTERS.—

''(A) IN GENERAL.—The WTC Program Administrator shall enter into contracts with one or more Data Centers (as defined in subsection (b)(2))—

''(i) for receiving, analyzing, and reporting to the WTC Program Administrator on data, in accordance with section 3304, that have been collected and reported to such Data Centers by the corresponding Clinical Centers of Excellence under subsection (b)(1)(B)(iii);

''(ii) for the development of monitoring, initial health evaluation, and treatment protocols, with respect to WTC-related health conditions;

''(iii) for coordinating the outreach activities conducted under paragraph (1)(B) by each corresponding Clinical Center of Excellence;

''(iv) for establishing criteria for the credentialing of medical providers participating in the nationwide network under section 3313;

''(v) for coordinating and administering the activities of the WTC Health Program Steering Committees established under section 3002(b); and

''(vi) for meeting periodically with the corresponding Clinical Centers of Excellence to obtain input on the analysis and reporting of data collected under clause (i) and on the development of monitoring, initial health evaluation, and treatment protocols under clause (ii).

''(B) MEDICAL PROVIDER SELECTION.—The medical providers under subparagraph (A)(iv) shall be selected by the WTC Program Administrator on the basis of their experience treating or diagnosing the health conditions included in the list of WTC-related health conditions.

''(C) CLINICAL DISCUSSIONS.—In carrying out subparagraph (A)(ii), a Data Center shall engage in clinical discussions across the WTC Program to guide treatment approaches for individuals with a WTC-related health condition.

''(D) TRANSPARENCY OF DATA.—A contract entered into under this subsection with a Data Center shall require the Data Center to make any data collected and reported to such Center under subsection (b)(1)(B)(iii) available to health researchers and others as provided in the CDC/ATSDR Policy on Releasing and Sharing Data.

''(3) AUTHORITY FOR CONTRACTS TO BE CLASS SPECIFIC.—A contract entered into under this subsection with a Clinical Center of Excellence or a Data Center may be with respect to one or more class of enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors.

''(4) USE OF COOPERATIVE AGREEMENTS.—Any contract under this title between the WTC Program Administrator and a Data Center or a Clinical Center of Excellence may be in the form of a cooperative agreement.

''(5) REVIEW ON FEASIBILITY OF CONSOLIDATING DATA CENTERS.—Not later than July 1, 2011, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the feasibility of consolidating Data Centers into a single Data Center.

''(b) CENTERS OF EXCELLENCE.—

''(1) CLINICAL CENTERS OF EXCELLENCE.—

''(A) DEFINITION.—For purposes of this title, the term 'Clinical Center of Excellence' means a Center that demonstrates to the satisfaction of the Administrator that the Center—

''(i) uses an integrated, centralized health care provider approach to create a comprehensive suite of health services under this title that are accessible to enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors;

''(ii) has experience in caring for WTC responders and screening-eligible WTC survivors or includes health care providers who have been trained pursuant to section 3313(c);

''(iii) employs health care provider staff with expertise that includes, at a minimum, occupational medicine, environmental medicine, trauma-related psychiatry and psychology, and social services counseling; and

''(iv) meets such other requirements as specified by the Administrator.

''(B) CONTRACT REQUIREMENTS.—The WTC Program Administrator shall not enter into a contract with a Clinical Center of Excellence under subsection (a)(1) unless the Center agrees to do each of the following:

''(i) Establish a formal mechanism for consulting with and receiving input from representatives of eligible populations receiving monitoring and treatment benefits under subtitle B from such Center.

''(ii) Coordinate monitoring and treatment benefits under subtitle B with routine medical care provided for the treatment of conditions other than WTC-related health conditions.

''(iii) Collect and report to the corresponding Data Center data, including claims data, in accordance with section 3304(b).

''(iv) Have in place safeguards against fraud that are satisfactory to the Administrator, in consultation with the Inspector General of the Department of Health and Human Services.

''(v) Treat or refer for treatment all individuals who are enrolled WTC responders or certified-eligible WTC survivors with respect to such Center who present themselves for treatment of a WTC-related health condition.

''(vi) Have in place safeguards, consistent with section 3304(c), to ensure the confidentiality of an individual's individually identifiable health information, including requiring that such information not be disclosed to the individual's employer without the authorization of the individual.

''(vii) Use amounts paid under subsection (c)(1) only for costs incurred in carrying out the activities described in subsection (a), other than those described in subsection (a)(1)(A).

''(viii) Utilize health care providers with occupational and environmental medicine expertise to conduct physical and mental health assessments, in accordance with protocols developed under subsection (a)(2)(A)(ii).

''(ix) Communicate with WTC responders and screening-eligible and certified-eligible WTC survivors in appropriate languages and conduct outreach activities with relevant stakeholder worker or community associations.

''(x) Meet all the other applicable requirements of this title, including regulations implementing such requirements.

''(C) TRANSITION RULE TO ENSURE CONTINUITY OF CARE.—The WTC Program Administrator shall to the maximum extent feasible ensure continuity of care in any period of transition from monitoring and treatment of an enrolled WTC responder or certified-eligible WTC survivor by a provider to a Clinical Center of Excellence or a health care provider participating in the nationwide network under section 3313.

''(2) DATA CENTERS.—For purposes of this title, the term 'Data Center' means a Center that the WTC Program Administrator determines has the capacity to carry out the responsibilities for a Data Center under subsection (a)(2).

''(3) CORRESPONDING CENTERS.—For purposes of this title, a Clinical Center of Excellence and a Data Center shall be treated as 'corresponding' to the extent that such Clinical Center and Data Center serve the same population group.

''(c) PAYMENT FOR INFRASTRUCTURE COSTS.—

''(1) IN GENERAL.—The WTC Program Administrator shall reimburse a Clinical Center of Excellence for the fixed infrastructure costs of such Center in carrying out the activities described in subtitle B at a rate negotiated by the Administrator and such Centers. Such negotiated rate shall be fair and appropriate and take into account the number of enrolled WTC responders receiving services from such Center under this title.

''(2) FIXED INFRASTRUCTURE COSTS.—For purposes of paragraph (1), the term 'fixed infrastructure costs' means, with respect to a Clinical Center of Excellence, the costs incurred by such Center that are not otherwise reimbursable by the WTC Program Administrator under section 3312(c) for patient evaluation, monitoring, or treatment but which are needed to operate the WTC program such as the costs involved in outreach to participants or recruiting participants, data collection and analysis, social services for counseling patients on other available assistance outside the WTC program, and the development of treatment protocols. Such term does not include costs for new construction or other capital costs.

''(d) GAO ANALYSIS.—Not later than July 1, 2011, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate an analysis on whether Clinical Centers of Excellence with which the WTC Program Administrator enters into a contract under this section have financial systems that will allow for the timely submission of claims data for purposes of section 3304 and subsections (a)(1)(F) and (b)(1)(B)(iii).

''SEC. 3306. DEFINITIONS.

''In this title:

''(1) The term 'aggravating' means, with respect to a health condition, a health condition that existed on September 11, 2001, and that, as a result of exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, requires medical treatment that is (or will be) in addition to, more frequent than, or of longer duration than the medical treatment that would have been required for such condition in the absence of such exposure.

''(2) The term 'certified-eligible WTC survivor' has the meaning given such term in section 3321(a)(2).

''(3) The terms 'Clinical Center of Excellence' and 'Data Center' have the meanings given such terms in section 3305.

''(4) The term 'enrolled WTC responder' means a WTC responder enrolled under section 3311(a)(3).

''(5) The term 'initial health evaluation' includes, with respect to an individual, a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Program.

''(6) The term 'list of WTC-related health conditions' means—

''(A) for WTC responders, the health conditions listed in section 3312(a)(3); and

''(B) for screening-eligible and certified-eligible WTC survivors, the health conditions listed in section 3322(b).

''(7) The term 'New York City disaster area' means the area within New York City that is—

''(A) the area of Manhattan that is south of Houston Street; and

''(B) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

''(8) The term 'New York metropolitan area' means an area, specified by the WTC Program Administrator, within which WTC responders and eligible WTC screening-eligible survivors who reside in such area are reasonably able to access monitoring and treatment benefits and initial health evaluation benefits under this title through a Clinical Center of Excellence described in subparagraphs (A), (B), or (C) of section 3305(b)(1).

''(9) The term 'screening-eligible WTC survivor' has the meaning given such term in section 3321(a)(1).

''(10) Any reference to 'September 11, 2001' shall be deemed a reference to the period on such date subsequent to the terrorist attacks at the World Trade Center, Shanksville, Pennsylvania, or the Pentagon, as applicable, on such date.

''(11) The term 'September 11, 2001, terrorist attacks' means the terrorist attacks that occurred on September 11, 2001, in New York City, in Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

''(12) The term 'WTC Health Program Steering Committee' means such a Steering Committee established under section 3302(b).

''(13) The term 'WTC Program' means the Word Trade Center Health Program established under section 3301(a).

''(14)(A) The term 'WTC Program Administrator' means—

''(i) subject to subparagraph (B), with respect to paragraphs (3) and (4) of section 3311(a) (relating to enrollment of WTC responders), section 3312(c) and the corresponding provisions of section 3322 (relating to payment for initial health evaluation, monitoring, and treatment, paragraphs (1)(C), (2)(B), and (3) of section 3321(a) (relating to determination or certification of screening-eligible or certified-eligible WTC responders), and part 3 of subtitle B (relating to payor provisions), an official in the Department of Health and Human Services, to be designated by the Secretary; and

''(ii) with respect to any other provision of this title, the Director of the National Institute for Occupational Safety and Health, or a designee of such Director.

''(B) In no case may the Secretary designate under subparagraph (A)(i) the Director of the National Institute for Occupational Safety and Health or a designee of such Director with respect to section 3322 (relating to payment for initial health evaluation, monitoring, and treatment).

''(15) The term 'WTC-related health condition' is defined in section 3312(a).

''(16) The term 'WTC responder' is defined in section 3311(a).

''(17) The term 'WTC Scientific/Technical Advisory Committee' means such Committee established under section 3302(a).

''Subtitle B—Program of Monitoring, Initial Health Evaluations, and Treatment

''PART 1—WTC RESPONDERS

''SEC. 3311. IDENTIFICATION OF WTC RESPONDERS AND PROVISION OF WTC-RELATED MONITORING SERVICES.

''(a) WTC RESPONDER DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC responder' means any of the following individuals, subject to paragraph (4):

''(A) CURRENTLY IDENTIFIED RESPONDER.—An individual who has been identified as eligible for monitoring under the arrangements as in effect on the date of the enactment of this title between the National Institute for Occupational Safety and Health and—

''(i) the consortium coordinated by Mt. Sinai Hospital in New York City that coordinates the monitoring and treatment for enrolled WTC responders other than with respect to those covered under the arrangement with the Fire Department of New York City; or

''(ii) the Fire Department of New York City.

''(B) RESPONDER WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who meets the current eligibility criteria described in paragraph (2).

''(C) RESPONDER WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who—

''(i) performed rescue, recovery, demolition, debris cleanup, or other related services in the New York City disaster area in response to the September 11, 2001, terrorist attacks, regardless of whether such services were performed by a State or Federal employee or member of the National Guard or otherwise; and

''(ii) meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks as the WTC Program Administrator, after consultation with the WTC Scientific/Technical Advisory Committee, determines appropriate.

The WTC Program Administrator shall not modify such eligibility criteria on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in paragraph (4) or on or after the date that the number of certifications for certified-eligible WTC survivors under section 3321(a)(2)(B) has reached 80 percent of the limit described in section 3321(a)(3).

''(2) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this paragraph for an individual is that the individual is described in any of the following categories:

''(A) FIREFIGHTERS AND RELATED PERSONNEL.—The individual—

''(i) was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) who participated at least one day in the rescue and recovery effort at any of the former World Trade Center sites (including Ground Zero, Staten Island Landfill, and the New York City Chief Medical Examiner's Office) for any time during the period beginning on September 11, 2001, and ending on July 31, 2002; or

''(ii)(I) is a surviving immediate family member of an individual who was a member of the Fire Department of New York City (whether fire or emergency personnel, active or retired) and was killed at the World Trade site on September 11, 2001; and

''(II) received any treatment for a WTC-related health condition described in section 3312(a)(1)(A)(ii) (relating to mental health conditions) on or before September 1, 2008.

''(B) LAW ENFORCEMENT OFFICERS AND WTC RESCUE, RECOVERY, AND CLEANUP WORKERS.—The individual—

''(i) worked or volunteered onsite in rescue, recovery, debris cleanup, or related support services in lower Manhattan (south of Canal St.), the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning on September 11, 2001, and ending on September 14, 2001, for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001, or for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(ii)(I) was a member of the Police Department of New York City (whether active or retired) or a member of the Port Authority Police

of the Port Authority of New York and New Jersey (whether active or retired) who participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.), including Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least 4 hours during the period beginning September 11, 2001, and ending on September 14, 2001;

''(II) participated onsite in rescue, recovery, debris cleanup, or related services at Ground Zero, the Staten Island Landfill, or the barge loading piers, for at least one day during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(III) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 24 hours during the period beginning on September 11, 2001, and ending on September 30, 2001; or

''(IV) participated onsite in rescue, recovery, debris cleanup, or related services in lower Manhattan (south of Canal St.) for at least 80 hours during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iii) was an employee of the Office of the Chief Medical Examiner of New York City involved in the examination and handling of human remains from the World Trade Center attacks, or other morgue worker who performed similar post-September 11 functions for such Office staff, during the period beginning on September 11, 2001, and ending on July 31, 2002;

''(iv) was a worker in the Port Authority Trans-Hudson Corporation Tunnel for at least 24 hours during the period beginning on February 1, 2002, and ending on July 1, 2002; or

''(v) was a vehicle-maintenance worker who was exposed to debris from the former World Trade Center while retrieving, driving, cleaning, repairing, and maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks during a duration and period described in subparagraph (A).

''(C) RESPONDERS TO THE SEPTEMBER 11 ATTACKS AT THE PENTAGON AND SHANKSVILLE, PENNSYLVANIA.—The individual—

''(i)(I) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; or

''(II) was a member of a fire or police department (whether fire or emergency personnel, active or retired), worked for a recovery or cleanup contractor, or was a volunteer; and performed rescue, recovery, demolition, debris cleanup, or other related services at the Shanksville, Pennsylvania, site of the terrorist-related aircraft crash of September 11, 2001, during the period beginning on September 11, 2001, and ending on the date on which the cleanup of the site was concluded, as determined by the WTC Program Administrator; and

''(ii) is determined by the WTC Program Administrator to be at an increased risk of developing a WTC-related health condition as a result of exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks, and meets such eligibility criteria related to such exposures, as the WTC Program Administrator determines are appropriate, after consultation with the WTC Scientific/Technical Advisory Committee.

''(3) ENROLLMENT PROCESS.—

''(A) IN GENERAL.—The WTC Program Administrator shall establish a process for enrolling WTC responders in the WTC Program. Under such process—

''(i) WTC responders described in paragraph (1)(A) shall be deemed to be enrolled in such Program;

''(ii) subject to clause (iii), the Administrator shall enroll in such program individuals who are determined to be WTC responders;

''(iii) the Administrator shall deny such enrollment to an individual if the Administrator determines that the numerical limitation in paragraph (4) on enrollment of WTC responders has been met;

''(iv) there shall be no fee charged to the applicant for making an application for such enrollment;

''(v) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application; and

''(vi) an individual who is denied enrollment in such Program shall have an opportunity to appeal such determination in a manner established under such process.

''(B) TIMING.—

''(i) CURRENTLY IDENTIFIED RESPONDERS.—In accordance with subparagraph (A)(i), the WTC Program Administrator shall enroll an individual described in paragraph (1)(A) in the WTC Program not later than July 1, 2011.

''(ii) OTHER RESPONDERS.—In accordance with subparagraph (A)(ii) and consistent with paragraph (4), the WTC Program Administrator shall enroll any other individual who is determined to be a WTC responder in the WTC Program at the time of such determination.

''(4) NUMERICAL LIMITATION ON ELIGIBLE WTC RESPONDERS.—

''(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A) or (2)(A)(ii) who may be enrolled under paragraph (3)(A)(ii) shall not exceed 25,000 at any time, of which no more than 2,500 may be individuals enrolled based on modified eligibility criteria established under paragraph (1)(C).

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of enrollments made under paragraph (3)—

''(I) in accordance with such subparagraph; and

''(II) to such number, as determined by the Administrator based on the best available information and subject to amounts available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals who are enrolled through the end of fiscal year 2020; and

''(ii) provide priority (subject to paragraph (3)(A)(i)) in such enrollments in the order in which individuals apply for enrollment under paragraph (3).

''(5) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as an eligible WTC responder. Before enrolling any individual as a WTC responder in the WTC Program under paragraph (3), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

''(b) MONITORING BENEFITS.—

''(1) IN GENERAL.—In the case of an enrolled WTC responder (other than one described in subsection (a)(2)(A)(ii)), the WTC Program shall provide for monitoring benefits that include monitoring consistent with protocols approved by the WTC Program Administrator and including clinical examinations and long-term health monitoring and analysis. In the case of an enrolled WTC responder who is an active member of the Fire Department of New York City, the responder shall receive such benefits as part of the individual's periodic company medical exams.

''(2) PROVISION OF MONITORING BENEFITS.—The monitoring benefits under paragraph (1) shall be provided through the Clinical Center of Excellence for the type of individual involved or, in the case of an individual residing outside the New York metropolitan area, under an arrangement under section 3313.

''SEC. 3312. TREATMENT OF ENROLLED WTC RESPONDERS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) WTC-RELATED HEALTH CONDITION DEFINED.—

''(1) IN GENERAL.—For purposes of this title, the term 'WTC-related health condition' means a condition that—

''(A)(i) is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

''(ii) is a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2); and

''(B) is included in the applicable list of WTC-related health conditions or—

''(i) with respect to a WTC responder, is provided certification of coverage under subsection (b)(2)(B)(iii); or

''(ii) with respect to a screening-eligible WTC survivor or certified-eligible WTC survivor, is provided certification of coverage under subsection (b)(2)(B)(iii), as applied under section 3322(a).

In the case of a WTC responder described in section 3311(a)(2)(A)(ii) (relating to a surviving immediate family member of a firefighter), such term does not include an illness or health condition described in subparagraph (A)(i).

''(2) DETERMINATION.—The determination under paragraph (1) or subsection (b) of whether the September 11, 2001, terrorist attacks were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual's illness or health condition shall be made based on an assessment of the following:

''(A) The individual's exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

''(i) evaluated and characterized through the use of a standardized, population-appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

''(ii) assessed and documented by a medical professional with experience in treating or diagnosing health conditions included on the list of WTC-related health conditions.

''(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

''(i) assessed through the use of a standardized, population-appropriate medical questionnaire approved by the Director of the National Institute for Occupational Safety and Health and a medical examination; and

''(ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

''(3) LIST OF HEALTH CONDITIONS FOR WTC RESPONDERS.—The list of health conditions for WTC responders consists of the following:

''(A) AERODIGESTIVE DISORDERS.—

''(i) Interstitial lung diseases.

''(ii) Chronic respiratory disorder—fumes/vapors.

''(iii) Asthma.

''(iv) Reactive airways dysfunction syndrome (RADS).

''(v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).
''(vi) Chronic cough syndrome.
''(vii) Upper airway hyperreactivity.
''(viii) Chronic rhinosinusitis.
''(ix) Chronic nasopharyngitis.
''(x) Chronic laryngitis.
''(xi) Gastroesophageal reflux disorder (GERD).
''(xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.
''(B) MENTAL HEALTH CONDITIONS.—
''(i) Posttraumatic stress disorder (PTSD).
''(ii) Major depressive disorder.
''(iii) Panic disorder.
''(iv) Generalized anxiety disorder.
''(v) Anxiety disorder (not otherwise specified).
''(vi) Depression (not otherwise specified).
''(vii) Acute stress disorder.
''(viii) Dysthymic disorder.
''(ix) Adjustment disorder.
''(x) Substance abuse.
''(C) MUSCULOSKELETAL DISORDERS FOR CERTAIN WTC RESPONDERS.—In the case of a WTC responder described in paragraph (4), a condition described in such paragraph.
''(D) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added, pursuant to paragraph (5) or (6), to the list under this paragraph.
''(4) MUSCULOSKELETAL DISORDERS.—
''(A) IN GENERAL.—For purposes of this title, in the case of a WTC responder who received any treatment for a WTC-related musculoskeletal disorder on or before September 11, 2003, the list of health conditions in paragraph (3) shall include:
''(i) Low back pain.
''(ii) Carpal tunnel syndrome (CTS).
''(iii) Other musculoskeletal disorders.
''(B) DEFINITION.—The term 'WTC-related musculoskeletal disorder' means a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during rescue or recovery efforts in the New York City disaster area in the aftermath of the September 11, 2001, terrorist attacks.
''(5) CANCER.—
''(A) IN GENERAL.—The WTC Program Administrator shall periodically conduct a review of all available scientific and medical evidence, including findings and recommendations of Clinical Centers of Excellence, published in peer-reviewed journals to determine if, based on such evidence, cancer or a certain type of cancer should be added to the applicable list of WTC-related health conditions. The WTC Program Administrator shall conduct the first review under this subparagraph not later than 180 days after the date of the enactment of this title.
''(B) PROPOSED REGULATIONS AND RULEMAKING.—Based on the periodic reviews under subparagraph (A), if the WTC Program Administrator determines that cancer or a certain type of cancer should be added to such list of WTC-related health conditions, the WTC Program Administrator shall propose regulations, through rulemaking, to add cancer or the certain type of cancer to such list.
''(C) FINAL REGULATIONS.—Based on all the available evidence in the rulemaking record, the WTC Program Administrator shall make a final determination of whether cancer or a certain type of cancer should be added to such list of WTC-related health conditions. If such a determination is made to make such an addition, the WTC Program Administrator shall by regulation add cancer or the certain type of cancer to such list.
''(D) DETERMINATIONS NOT TO ADD CANCER OR CERTAIN TYPES OF CANCER.—In the case that the WTC Program Administrator determines under subparagraph (B) or (C) that cancer or a certain type of cancer should not be added to such list of WTC-related health conditions, the WTC Program Administrator shall publish an explanation for such determination in the Federal Register. Any such determination to not make such an addition shall not preclude the addition of cancer or the certain type of cancer to such list at a later date.
''(6) ADDITION OF HEALTH CONDITIONS TO LIST FOR WTC RESPONDERS.—
''(A) IN GENERAL.—Whenever the WTC Program Administrator determines that a proposed rule should be promulgated to add a health condition to the list of health conditions in paragraph (3), the Administrator may request a recommendation of the Advisory Committee or may publish such a proposed rule in the Federal Register in accordance with subparagraph (D).
''(B) ADMINISTRATOR'S OPTIONS AFTER RECEIPT OF PETITION.—In the case that the WTC Program Administrator receives a written petition by an interested party to add a health condition to the list of health conditions in paragraph (3), not later than 60 days after the date of receipt of such petition the Administrator shall—
''(i) request a recommendation of the Advisory Committee;
''(ii) publish a proposed rule in the Federal Register to add such health condition, in accordance with subparagraph (D);
''(iii) publish in the Federal Register the Administrator's determination not to publish such a proposed rule and the basis for such determination; or
''(iv) publish in the Federal Register a determination that insufficient evidence exists to take action under clauses (i) through (iii).
''(C) ACTION BY ADVISORY COMMITTEE.—In the case that the Administrator requests a recommendation of the Advisory Committee under this paragraph, with respect to adding a health condition to the list in paragraph (3), the Advisory Committee shall submit to the Administrator such recommendation not later than 60 days after the date of such request or by such date (not to exceed 180 days after such date of request) as specified by the Administrator. Not later than 60 days after the date of receipt of such recommendation, the Administrator shall, in accordance with subparagraph (D), publish in the Federal Register a proposed rule with respect to such recommendation or a determination not to propose such a proposed rule and the basis for such determination.
''(D) PUBLICATION.—The WTC Program Administrator shall, with respect to any proposed rule under this paragraph—
''(i) publish such proposed rule in accordance with section 553 of title 5, United States Code; and
''(ii) provide interested parties a period of 30 days after such publication to submit written comments on the proposed rule.
The WTC Program Administrator may extend the period described in clause (ii) upon a finding of good cause. In the case of such an extension, the Administrator shall publish such extension in the Federal Register.
''(E) INTERESTED PARTY DEFINED.—For purposes of this paragraph, the term 'interested party' includes a representative of any organization representing WTC responders, a nationally recognized medical association, a Clinical or Data Center, a State or political subdivision, or any other interested person.
''(b) COVERAGE OF TREATMENT FOR WTC-RELATED HEALTH CONDITIONS.—
''(1) DETERMINATION FOR ENROLLED WTC RESPONDERS BASED ON A WTC-RELATED HEALTH CONDITION.—
''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence that is providing monitoring benefits under section 3311 for an enrolled WTC responder makes a determination that the responder has a WTC-related health condition that is in the list in subsection (a)(3) and that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition—
''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the medical facts supporting such determination; and
''(ii) on and after the date of such transmittal and subject to subparagraph (B), the WTC Program shall provide for payment under subsection (c) for medically necessary treatment for such condition.
''(B) REVIEW; CERTIFICATION; APPEALS.—
''(i) REVIEW.—A Federal employee designated by the WTC Program Administrator shall review determinations made under subparagraph (A).
''(ii) CERTIFICATION.—The Administrator shall provide a certification of such condition based upon reviews conducted under clause (i). Such a certification shall be provided unless the Administrator determines that the responder's condition is not a WTC-related health condition in the list in subsection (a)(3) or that exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 1, 2001, terrorist attacks is not substantially likely to be a significant factor in aggravating, contributing to, or causing the condition.
''(iii) APPEAL PROCESS.—The Administrator shall establish, by rule, a process for the appeal of determinations under clause (ii).
''(2) DETERMINATION BASED ON MEDICALLY ASSOCIATED WTC-RELATED HEALTH CONDITIONS.—
''(A) IN GENERAL.—If a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that the enrolled WTC responder has a health condition described in subsection (a)(1)(A) that is not in the list in subsection (a)(3) but which is medically associated with a WTC-related health condition—
''(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and
''(ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician's determination.
''(B) PROCEDURES FOR REVIEW, CERTIFICATION, AND APPEAL.—The WTC Program Administrator shall, by rule, establish procedures for the review and certification of physician determinations under subparagraph (A). Such rule shall provide for—
''(i) the timely review of such a determination by a physician panel with appropriate expertise for the condition and recommendations to the WTC Program Administrator;
''(ii) not later than 60 days after the date of the transmittal under subparagraph (A)(i), a determination by the WTC Program Administrator on whether or not the condition involved is described in subsection (a)(1)(A) and is medically associated with a WTC-related health condition;
''(iii) certification in accordance with paragraph (1)(B)(ii) of coverage of such condition if determined to be described in subsection (a)(1)(A) and medically associated with a WTC-related health condition; and
''(iv) a process for appeals of determinations relating to such conditions.
''(C) INCLUSION IN LIST OF HEALTH CONDITIONS.—If the WTC Program Administrator provides certification under subparagraph (B)(iii) for coverage of a condition, the Administrator may, pursuant to subsection (a)(6), add the condition to the list in subsection (a)(3).
''(D) CONDITIONS ALREADY DECLINED FOR INCLUSION IN LIST.—If the WTC Program Administrator publishes a determination under subsection (a)(6)(B) not to include a condition in the list in subsection (a)(3), the WTC Program Administrator shall not provide certification under subparagraph (B)(iii) for coverage of the condition. In the case of an individual who is certified under subparagraph (B)(iii) with respect to such condition before the date of the publication of such determination the previous sentence shall not apply.

''(3) REQUIREMENT OF MEDICAL NECESSITY.—

''(A) IN GENERAL.—In providing treatment for a WTC-related health condition, a physician or other provider shall provide treatment that is medically necessary and in accordance with medical treatment protocols established under subsection (d).

''(B) REGULATIONS RELATING TO MEDICAL NECESSITY.—For the purpose of this title, the WTC Program Administrator shall issue regulations specifying a standard for determining medical necessity with respect to health care services and prescription pharmaceuticals, a process for determining whether treatment furnished and pharmaceuticals prescribed under this title meet such standard (including any prior authorization requirement), and a process for appeal of a determination under subsection (c)(3).

''(4) SCOPE OF TREATMENT COVERED.—

''(A) IN GENERAL.—The scope of treatment covered under this subsection includes services of physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other medically necessary treatment.

''(B) PHARMACEUTICAL COVERAGE.—With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator, directly through participating Clinical Centers of Excellence or through one or more outside vendors.

''(C) TRANSPORTATION EXPENSES FOR NATIONWIDE NETWORK.—The WTC Program Administrator may provide for necessary and reasonable transportation and expenses incident to the securing of medically necessary treatment through the nationwide network under section 3313 involving travel of more than 250 miles and for which payment is made under this section in the same manner in which individuals may be furnished necessary and reasonable transportation and expenses incident to services involving travel of more than 250 miles under regulations implementing section 3629(c) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of Public Law 106–398; 42 U.S.C. 7384t(c)).

''(5) PROVISION OF TREATMENT PENDING CERTIFICATION.—With respect to an enrolled WTC responder for whom a determination is made by an examining physician under paragraph (1) or (2), but for whom the WTC Program Administrator has not yet determined whether to certify the determination, the WTC Program Administrator may establish by rule a process through which the Administrator may approve the provision of medical treatment under this subsection (and payment under subsection (c)) with respect to such responder and such responder's WTC-related health condition (under such terms and conditions as the Administrator may provide) until the Administrator makes a decision on whether to certify the determination.

''(c) PAYMENT FOR INITIAL HEALTH EVALUATION, MONITORING, AND TREATMENT OF WTC-RELATED HEALTH CONDITIONS.—

''(1) MEDICAL TREATMENT.—

''(A) USE OF FECA PAYMENT RATES.—

''(i) IN GENERAL.—Subject to clause (ii):

''(I) Subject to subparagraphs (B) and (C), the WTC Program Administrator shall reimburse costs for medically necessary treatment under this title for WTC-related health conditions according to the payment rates that would apply to the provision of such treatment and services by the facility under the Federal Employees Compensation Act.

''(II) For treatment not covered under subclause (i) or subparagraph (B), the WTC Program Administrator shall establish by regulation a reimbursement rate for such treatment.

''(ii) EXCEPTION.—In no case shall payments for products or services under clause (i) be made at a rate higher than the Office of Worker's Compensation Programs in the Department Labor would pay for such products or services rendered at the time such products or services were provided.

''(B) PHARMACEUTICALS.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a program for paying for the medically necessary outpatient prescription pharmaceuticals prescribed under this title for WTC-related health conditions through one or more contracts with outside vendors.

''(ii) COMPETITIVE BIDDING.—Under such program the Administrator shall—

''(I) select one or more appropriate vendors through a Federal competitive bid process; and

''(II) select the lowest bidder (or bidders) meeting the requirements for providing pharmaceutical benefits for participants in the WTC Program.

''(iii) TREATMENT OF FDNY PARTICIPANTS.—Under such program the Administrator may enter into an agreement with a separate vendor to provide pharmaceutical benefits to enrolled WTC responders for whom the Clinical Center of Excellence is described in section 3305 if such an arrangement is deemed necessary and beneficial to the program by the WTC Program Administrator.

''(iv) PHARMACEUTICALS.—Not later than July 1, 2011, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on whether existing Federal pharmaceutical purchasing programs can provide pharmaceutical benefits more efficiently and effectively than through the WTC program.

''(C) IMPROVING QUALITY AND EFFICIENCY THROUGH MODIFICATION OF PAYMENT AMOUNTS AND METHODOLOGIES.—The WTC Program Administrator may modify the amounts and methodologies for making payments for initial health evaluations, monitoring, or treatment, if, taking into account utilization and quality data furnished by the Clinical Centers of Excellence under section 3305(b)(1)(B)(iii), the Administrator determines that a bundling, capitation, pay for performance, or other payment methodology would better ensure high quality and efficient delivery of initial health evaluations, monitoring, or treatment to an enrolled WTC responder, screening-eligible WTC survivor, or certified-eligible WTC survivor.

''(2) MONITORING AND INITIAL HEALTH EVALUATION.—The WTC Program Administrator shall reimburse the costs of monitoring and the costs of an initial health evaluation provided under this title at a rate set by the Administrator by regulation.

''(3) DETERMINATION OF MEDICAL NECESSITY.—

''(A) REVIEW OF MEDICAL NECESSITY AND PROTOCOLS.—As part of the process for reimbursement or payment under this subsection, the WTC Program Administrator shall provide for the review of claims for reimbursement or payment for the provision of medical treatment to determine if such treatment is medically necessary and in accordance with medical treatment protocols established under subsection (d).

''(B) WITHHOLDING OF PAYMENT FOR MEDICALLY UNNECESSARY TREATMENT.—The Administrator shall withhold such reimbursement or payment for treatment that the Administrator determines is not medically necessary or is not in accordance with such medical treatment protocols.

''(d) MEDICAL TREATMENT PROTOCOLS.—

''(1) DEVELOPMENT.—The Data Centers shall develop medical treatment protocols for the treatment of enrolled WTC responders and certified-eligible WTC survivors for health conditions included in the applicable list of WTC-related health conditions.

''(2) APPROVAL.—The medical treatment protocols developed under paragraph (1) shall be subject to approval by the WTC Program Administrator.

"SEC. 3313. NATIONAL ARRANGEMENT FOR BENEFITS FOR ELIGIBLE INDIVIDUALS OUTSIDE NEW YORK.

''(a) IN GENERAL.—In order to ensure reasonable access to benefits under this subtitle for individuals who are enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible WTC survivors and who reside in any State, as defined in section 2(f), outside the New York metropolitan area, the WTC Program Administrator shall establish a nationwide network of health care providers to provide monitoring and treatment benefits and initial health evaluations near such individuals' areas of residence in such States. Nothing in this subsection shall be construed as preventing such individuals from being provided such monitoring and treatment benefits or initial health evaluation through any Clinical Center of Excellence.

''(b) NETWORK REQUIREMENTS.—Any health care provider participating in the network under subsection (a) shall—

''(1) meet criteria for credentialing established by the Data Centers;

''(2) follow the monitoring, initial health evaluation, and treatment protocols developed under section 3305(a)(2)(A)(ii);

''(3) collect and report data in accordance with section 3304; and

''(4) meet such fraud, quality assurance, and other requirements as the WTC Program Administrator establishes, including sections 1128 through 1128E of the Social Security Act, as applied by section 3301(d).

''(c) TRAINING AND TECHNICAL ASSISTANCE.—The WTC Program Administer may provide, including through contract, for the provision of training and technical assistance to health care providers participating in the network under subsection (a).

''(d) PROVISION OF SERVICES THROUGH THE VA.—

''(1) IN GENERAL.—The WTC Program Administrator may enter into an agreement with the Secretary of Veterans Affairs for the Secretary to provide services under this section through facilities of the Department of Veterans Affairs.

''(2) NATIONAL PROGRAM.—Not later than July 1, 2011, the Comptroller General of the United States shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on whether the Department of Veterans Affairs can provide monitoring and treatment services to individuals under this section more efficiently and effectively than through the nationwide network to be established under subsection (a).

"PART 2—WTC SURVIVORS

"SEC. 3321. IDENTIFICATION AND INITIAL HEALTH EVALUATION OF SCREENING-ELIGIBLE AND CERTIFIED-ELIGIBLE WTC SURVIVORS.

''(a) IDENTIFICATION OF SCREENING-ELIGIBLE WTC SURVIVORS AND CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(1) SCREENING-ELIGIBLE WTC SURVIVORS.—

''(A) DEFINITION.—In this title, the term 'screening-eligible WTC survivor' means, subject to subparagraph (C) and paragraph (3), an individual who is described in any of the following clauses:

''(i) CURRENTLY IDENTIFIED SURVIVOR.—An individual, including a WTC responder, who has been identified as eligible for medical treatment and monitoring by the WTC Environmental Health Center as of the date of enactment of this title.

''(ii) SURVIVOR WHO MEETS CURRENT ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets any of the current eligibility criteria described in subparagraph (B).

''(iii) SURVIVOR WHO MEETS MODIFIED ELIGIBILITY CRITERIA.—An individual who is not a WTC responder, for purposes of the initial health evaluation under subsection (b), claims symptoms of a WTC-related health condition and meets such eligibility criteria relating to exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11,

2001, terrorist attacks as the WTC Administrator determines, after consultation with the Data Centers described in section 3305 and the WTC Scientific/Technical Advisory Committee and WTC Health Program Steering Committees under section 3302.

The Administrator shall not modify such criteria under clause (iii) on or after the date that the number of certifications for certified-eligible WTC survivors under paragraph (2)(B) has reached 80 percent of the limit described in paragraph (3) or on or after the date that the number of enrollments of WTC responders has reached 80 percent of the limit described in section 3311(a)(4).

''(B) CURRENT ELIGIBILITY CRITERIA.—The eligibility criteria described in this subparagraph for an individual are that the individual is described in any of the following clauses:

''(i) A person who was present in the New York City disaster area in the dust or dust cloud on September 11, 2001.

''(ii) A person who worked, resided, or attended school, childcare, or adult daycare in the New York City disaster area for—

''(I) at least 4 days during the 4-month period beginning on September 11, 2001, and ending on January 10, 2002; or

''(II) at least 30 days during the period beginning on September 11, 2001, and ending on July 31, 2002.

''(iii) Any person who worked as a cleanup worker or performed maintenance work in the New York City disaster area during the 4-month period described in subparagraph (B)(i) and had extensive exposure to WTC dust as a result of such work.

''(iv) A person who was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York City disaster area, and who resided in such residence during the period beginning on September 11, 2001, and ending on May 31, 2003.

''(v) A person whose place of employment—

''(I) at any time during the period beginning on September 11, 2001, and ending on May 31, 2003, was in the New York City disaster area; and

''(II) was deemed eligible to receive a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program or other government incentive program designed to revitalize the lower Manhattan economy after the September 11, 2001, terrorist attacks.

''(C) APPLICATION AND DETERMINATION PROCESS FOR SCREENING ELIGIBILITY.—

''(i) IN GENERAL.—The WTC Program Administrator in consultation with the Data Centers shall establish a process for individuals, other than individuals described in subparagraph (A)(i), to be determined to be screening-eligible WTC survivors. Under such process—

''(I) there shall be no fee charged to the applicant for making an application for such determination;

''(II) the Administrator shall make a determination on such an application not later than 60 days after the date of filing the application;

''(III) the Administrator shall make such a determination relating to an applicant's compliance with this title and shall not determine that an individual is not so eligible or deny written documentation under clause (ii) to such individual unless the Administrator determines that—

''(aa) based on the application submitted, the individual does not meet the eligibility criteria; or

''(bb) the numerical limitation on certifications of certified-eligible WTC survivors set forth in paragraph (3) has been met; and

''(IV) an individual who is determined not to be a screening-eligible WTC survivor shall have an opportunity to appeal such determination in a manner established under such process.

''(ii) WRITTEN DOCUMENTATION OF SCREENING-ELIGIBILITY.—

''(I) IN GENERAL.—In the case of an individual who is described in subparagraph (A)(i) or who is determined under clause (i) (consistent with paragraph (3)) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide an appropriate written documentation of such fact.

''(II) TIMING.—

''(aa) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in subparagraph (A)(i), the WTC Program Administrator shall provide the written documentation under subclause (I) not later than July 1, 2011.

''(bb) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) and consistent with paragraph (3) to be a screening-eligible WTC survivor, the WTC Program Administrator shall provide the written documentation under subclause (I) at the time of such determination.

''(2) CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(A) DEFINITION.—The term 'certified-eligible WTC survivor' means, subject to paragraph (3), a screening-eligible WTC survivor who the WTC Program Administrator certifies under subparagraph (B) to be eligible for followup monitoring and treatment under this part.

''(B) CERTIFICATION OF ELIGIBILITY FOR MONITORING AND TREATMENT.—

''(i) IN GENERAL.—The WTC Program Administrator shall establish a certification process under which the Administrator shall provide appropriate certification to screening-eligible WTC survivors who, pursuant to the initial health evaluation under subsection (b), are determined to be eligible for followup monitoring and treatment under this part.

''(ii) TIMING.—

''(I) CURRENTLY IDENTIFIED SURVIVORS.—In the case of an individual who is described in paragraph (1)(A)(i), the WTC Program Administrator shall provide the certification under clause (i) not later than July 1, 2011.

''(II) OTHER MEMBERS.—In the case of another individual who is determined under clause (i) to be eligible for followup monitoring and treatment, the WTC Program Administrator shall provide the certification under such clause at the time of such determination.

''(3) NUMERICAL LIMITATION ON CERTIFIED-ELIGIBLE WTC SURVIVORS.—

''(A) IN GENERAL.—The total number of individuals not described in paragraph (1)(A)(i) who may be certified as certified-eligible WTC survivors under paragraph (2)(B) shall not exceed 25,000 at any time.

''(B) PROCESS.—In implementing subparagraph (A), the WTC Program Administrator shall—

''(i) limit the number of certifications provided under paragraph (2)(B)—

''(I) in accordance with such subparagraph; and

''(II) to such number, as determined by the Administrator based on the best available information and subject to amounts made available under section 3351, that will ensure sufficient funds will be available to provide treatment and monitoring benefits under this title, with respect to all individuals receiving such certifications through the end of fiscal year 2020; and

''(ii) provide priority in such certifications in the order in which individuals apply for a determination under paragraph (2)(B).

''(4) DISQUALIFICATION OF INDIVIDUALS ON TERRORIST WATCH LIST.—No individual who is on the terrorist watch list maintained by the Department of Homeland Security shall qualify as a screening-eligible WTC survivor or a certified-eligible WTC survivor. Before determining any individual to be a screening-eligible WTC survivor under paragraph (1) or certifying any individual as a certified eligible WTC survivor under paragraph (2), the Administrator, in consultation with the Secretary of Homeland Security, shall determine whether the individual is on such list.

''(b) INITIAL HEALTH EVALUATION TO DETERMINE ELIGIBILITY FOR FOLLOWUP MONITORING OR TREATMENT.—

''(1) IN GENERAL.—In the case of a screening-eligible WTC survivor, the WTC Program shall provide for an initial health evaluation to determine if the survivor has a WTC-related health condition and is eligible for followup monitoring and treatment benefits under the WTC Program. Initial health evaluation protocols under section 3305(a)(2)(A)(ii) shall be subject to approval by the WTC Program Administrator.

''(2) INITIAL HEALTH EVALUATION PROVIDERS.—The initial health evaluation described in paragraph (1) shall be provided through a Clinical Center of Excellence with respect to the individual involved.

''(3) LIMITATION ON INITIAL HEALTH EVALUATION BENEFITS.—Benefits for an initial health evaluation under this part for a screening-eligible WTC survivor shall consist only of a single medical initial health evaluation consistent with initial health evaluation protocols described in paragraph (1). Nothing in this paragraph shall be construed as preventing such an individual from seeking additional medical initial health evaluations at the expense of the individual.

''SEC. 3322. FOLLOWUP MONITORING AND TREATMENT OF CERTIFIED-ELIGIBLE WTC SURVIVORS FOR WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (b), the provisions of sections 3311 and 3312 shall apply to followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors in the same manner as such provisions apply to the monitoring and treatment of WTC-related health conditions for enrolled WTC responders.

''(b) LIST OF WTC-RELATED HEALTH CONDITIONS FOR SURVIVORS.—The list of health conditions for screening-eligible WTC survivors and certified-eligible WTC survivors consists of the following:

''(1) AERODIGESTIVE DISORDERS.—

''(A) Interstitial lung diseases.

''(B) Chronic respiratory disorder—fumes/vapors.

''(C) Asthma.

''(D) Reactive airways dysfunction syndrome (RADS).

''(E) WTC-exacerbated chronic obstructive pulmonary disease (COPD).

''(F) Chronic cough syndrome.

''(G) Upper airway hyperreactivity.

''(H) Chronic rhinosinusitis.

''(I) Chronic nasopharyngitis.

''(J) Chronic laryngitis.

''(K) Gastroesophageal reflux disorder (GERD).

''(L) Sleep apnea exacerbated by or related to a condition described in a previous clause.

''(2) MENTAL HEALTH CONDITIONS.—

''(A) Posttraumatic stress disorder (PTSD).

''(B) Major depressive disorder.

''(C) Panic disorder.

''(D) Generalized anxiety disorder.

''(E) Anxiety disorder (not otherwise specified).

''(F) Depression (not otherwise specified).

''(G) Acute stress disorder.

''(H) Dysthymic disorder.

''(I) Adjustment disorder.

''(J) Substance abuse.

''(3) ADDITIONAL CONDITIONS.—Any cancer (or type of cancer) or other condition added to the list in section 3312(a)(3) pursuant to paragraph (5) or (6) of section 3312(a), as such provisions are applied under subsection (a) with respect to certified-eligible WTC survivors.

''SEC. 3323. FOLLOWUP MONITORING AND TREATMENT OF OTHER INDIVIDUALS WITH WTC-RELATED HEALTH CONDITIONS.

''(a) IN GENERAL.—Subject to subsection (c), the provisions of section 3322 shall apply to the followup monitoring and treatment of WTC-related health conditions in the case of individuals described in subsection (b) in the same

manner as such provisions apply to the followup monitoring and treatment of WTC-related health conditions for certified-eligible WTC survivors.

''(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who, regardless of location of residence—

''(1) is not an enrolled WTC responder or a certified-eligible WTC survivor; and

''(2) is diagnosed at a Clinical Center of Excellence with a WTC-related health condition for certified-eligible WTC survivors.

''(c) LIMITATION.—

''(1) IN GENERAL.—The WTC Program Administrator shall limit benefits for any fiscal year under subsection (a) in a manner so that payments under this section for such fiscal year do not exceed the amount specified in paragraph (2) for such fiscal year.

''(2) LIMITATION.—The amount specified in this paragraph for—

''(A) the last calendar quarter of fiscal year 2011 is $5,000,000;

''(B) fiscal year 2012 is $20,000,000; or

''(C) a succeeding fiscal year is the amount specified in this paragraph for the previous fiscal year increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers.

''PART 3—PAYOR PROVISIONS

''SEC. 3331. PAYMENT OF CLAIMS.

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), the cost of monitoring and treatment benefits and initial health evaluation benefits provided under parts 1 and 2 of this subtitle shall be paid for by the WTC Program from the World Trade Center Health Program Fund.

''(b) WORKERS' COMPENSATION PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), payment for treatment under parts 1 and 2 of this subtitle of a WTC-related health condition of an individual that is work-related shall be reduced or recouped to the extent that the WTC Program Administrator determines that payment has been made, or can reasonably be expected to be made, under a workers' compensation law or plan of the United States, a State, or a locality, or other work-related injury or illness benefit plan of the employer of such individual, for such treatment. The provisions of clauses (iii), (iv), (v), and (vi) of paragraph (2)(B) of section 1862(b) of the Social Security Act and paragraphs (3) and (4) of such section shall apply to the recoupment under this subsection of a payment to the WTC Program (with respect to a workers' compensation law or plan, or other work-related injury or illness plan of the employer involved, and such individual) in the same manner as such provisions apply to the reimbursement of a payment under section 1862(b)(2) of such Act to the Secretary (with respect to such a law or plan and an individual entitled to benefits under title XVIII of such Act) except that any reference in such paragraph (4) to payment rates under title XVIII of the Social Security Act shall be deemed a reference to payment rates under this title.

''(2) EXCEPTION.—Paragraph (1) shall not apply for any quarter, with respect to any workers' compensation law or plan, including line of duty compensation, to which New York City is obligated to make payments, if, in accordance with terms specified under the contract under subsection (d)(1)(A), New York City has made the full payment required under such contract for such quarter.

''(3) RULES OF CONSTRUCTION.—Nothing in this title shall be construed to affect, modify, or relieve any obligations under a worker's compensation law or plan, other work-related injury or illness benefit plan of an employer, or any health insurance plan.

''(c) HEALTH INSURANCE COVERAGE.—

''(1) IN GENERAL.—In the case of an individual who has a WTC-related health condition that is not work-related and has health coverage for such condition through any public or private health plan (including health benefits under title XVIII, XIX, or XXI of the Social Security Act) the provisions of section 1862(b) of the Social Security Act shall apply to such a health plan and such individual in the same manner as they apply to group health plan and an individual entitled to benefits under title XVIII of such Act pursuant to section 226(a) of such Act. Any costs for items and services covered under such plan that are not reimbursed by such health plan, due to the application of deductibles, copayments, coinsurance, other cost sharing, or otherwise, are reimbursable under this title to the extent that they are covered under the WTC Program. The program under this title shall not be treated as a legally liable party for purposes of applying section 1902(a)(25) of the Social Security Act.

''(2) RECOVERY BY INDIVIDUAL PROVIDERS.—Nothing in paragraph (1) shall be construed as requiring an entity providing monitoring and treatment under this title to seek reimbursement under a health plan with which the entity has no contract for reimbursement.

''(3) MAINTENANCE OF REQUIRED MINIMUM ESSENTIAL COVERAGE.—No payment may be made for monitoring and treatment under this title for an individual for a month (beginning with July 2014) if with respect to such month the individual—

''(A) is an applicable individual (as defined in subsection (d) of section 5000A of Internal Revenue Code of 1986) for whom the exemption under subsection (e) of such section does not apply; and

''(B) is not covered under minimum essential coverage, as required under subsection (a) of such section.

''(d) REQUIRED CONTRIBUTION BY NEW YORK CITY IN PROGRAM COSTS.—

''(1) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the World Trade Center Health Program Fund under section 3351 unless New York City has entered into a contract with the WTC Program Administrator under which New York City agrees, in a form and manner specified by the Administrator, to pay the full contribution described in subparagraph (B) in accordance with this subsection on a timely basis, plus any interest owed pursuant to subparagraph (E)(i). Such contract shall specify the terms under which New York City shall be considered to have made the full payment required for a quarter for purposes of subsection (b)(2).

''(B) FULL CONTRIBUTION AMOUNT.—Under such contract, with respect to the last calendar quarter of fiscal year 2011 and each calendar quarter in fiscal years 2012 through 2015 the full contribution amount under this subparagraph shall be equal to 10 percent of the expenditures in carrying out this title for the respective quarter and with respect to calendar quarters in fiscal year 2016, such full contribution amount shall be equal to 1/9 of the Federal expenditures in carrying out this title for the respective quarter.

''(C) SATISFACTION OF PAYMENT OBLIGATION.—The payment obligation under such contract may not be satisfied through any of the following:

''(i) An amount derived from Federal sources.

''(ii) An amount paid before the date of the enactment of this title.

''(iii) An amount paid to satisfy a judgment or as part of a settlement related to injuries or illnesses arising out of the September 11, 2001, terrorist attacks.

''(D) TIMING OF CONTRIBUTION.—The payment obligation under such contract for a calendar quarter in a fiscal year shall be paid not later than the last day of the second succeeding calendar quarter.

''(E) COMPLIANCE.—

''(i) INTEREST FOR LATE PAYMENT.—If New York City fails to pay to the WTC Program Administrator pursuant to such contract the amount required for any calendar quarter by the day specified in subparagraph (D), interest shall accrue on the amount not so paid at the rate (determined by the Administrator) based on the average yield to maturity, plus 1 percentage point, on outstanding municipal bonds issued by New York City with a remaining maturity of at least 1 year.

''(ii) RECOVERY OF AMOUNTS OWED.—The amounts owed to the WTC Program Administrator under such contract shall be recoverable by the United States in an action in the same manner as payments made under title XVIII of the Social Security Act may be recoverable in an action brought under section 1862(b)(2)(B)(iii) of such Act.

''(F) DEPOSIT IN FUND.—The WTC Program Administer shall deposit amounts paid under such contract into the World Trade Center Health Program Fund under section 3351.

''(2) PAYMENT OF NEW YORK CITY SHARE OF MONITORING AND TREATMENT COSTS.—With respect to each calendar quarter for which a contribution is required by New York City under the contract under paragraph (1), the WTC Program Administrator shall—

''(A) provide New York City with an estimate of such amount of the required contribution at the beginning of such quarter and with an updated estimate of such amount at the beginning of each of the subsequent 2 quarters;

''(B) bill such amount directly to New York City; and

''(C) certify periodically, for purposes of this subsection, whether or not New York City has paid the amount so billed.

Such amount shall initially be estimated by the WTC Program Administrator and shall be subject to adjustment and reconciliation based upon actual expenditures in carrying out this title.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as authorizing the WTC Administrator, with respect to a fiscal year, to reduce the numerical limitation under section 3311(a)(4) or 3321(a)(3) for such fiscal year if New York City fails to comply with paragraph (1) for a calendar quarter in such fiscal year.

''(e) WORK-RELATED DESCRIBED.—For the purposes of this section, a WTC-related health condition shall be treated as a condition that is work-related if—

''(1) the condition is diagnosed in an enrolled WTC responder, or in an individual who qualifies as a certified-eligible WTC survivor on the basis of being a rescue, recovery, or cleanup worker; or

''(2) with respect to the condition the individual has filed and had established a claim under a workers' compensation law or plan of the United States or a State, or other work-related injury or illness benefit plan of the employer of such individual.

''SEC. 3332. ADMINISTRATIVE ARRANGEMENT AUTHORITY.

''The WTC Program Administrator may enter into arrangements with other government agencies, insurance companies, or other third-party administrators to provide for timely and accurate processing of claims under sections 3312, 3313, 3322, and 3323.

''Subtitle C—Research Into Conditions

''SEC. 3341. RESEARCH REGARDING CERTAIN HEALTH CONDITIONS RELATED TO SEPTEMBER 11 TERRORIST ATTACKS.

''(a) IN GENERAL.—With respect to individuals, including enrolled WTC responders and certified-eligible WTC survivors, receiving monitoring or treatment under subtitle B, the WTC Program Administrator shall conduct or support—

''(1) research on physical and mental health conditions that may be related to the September 11, 2001, terrorist attacks;

''(2) research on diagnosing WTC-related health conditions of such individuals, in the

case of conditions for which there has been diagnostic uncertainty; and

''(3) research on treating WTC-related health conditions of such individuals, in the case of conditions for which there has been treatment uncertainty.

The Administrator may provide such support through continuation and expansion of research that was initiated before the date of the enactment of this title and through the World Trade Center Health Registry (referred to in section 3342), through a Clinical Center of Excellence, or through a Data Center.

''(b) TYPES OF RESEARCH.—The research under subsection (a)(1) shall include epidemiologic and other research studies on WTC-related health conditions or emerging conditions—

''(1) among enrolled WTC responders and certified-eligible WTC survivors under treatment; and

''(2) in sampled populations outside the New York City disaster area in Manhattan as far north as 14th Street and in Brooklyn, along with control populations, to identify potential for long-term adverse health effects in less exposed populations.

''(c) CONSULTATION.—The WTC Program Administrator shall carry out this section in consultation with the WTC Scientific/Technical Advisory Committee.

''(d) APPLICATION OF PRIVACY AND HUMAN SUBJECT PROTECTIONS.—The privacy and human subject protections applicable to research conducted under this section shall not be less than such protections applicable to research conducted or funded by the Department of Health and Human Services.

''SEC. 3342. WORLD TRADE CENTER HEALTH REGISTRY.

''For the purpose of ensuring ongoing data collection relating to victims of the September 11, 2001, terrorist attacks, the WTC Program Administrator shall ensure that a registry of such victims is maintained that is at least as comprehensive as the World Trade Center Health Registry maintained under the arrangements in effect as of April 20, 2009, with the New York City Department of Health and Mental Hygiene.

''Subtitle D—Funding

''SEC. 3351. WORLD TRADE CENTER HEALTH PROGRAM FUND.

''(a) ESTABLISHMENT OF FUND.—

''(1) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Fund (referred to in this section as the 'Fund').

''(2) FUNDING.—Out of any money in the Treasury not otherwise appropriated, there shall be deposited into the Fund for each of fiscal years 2012 through 2016 (and the last calendar quarter of fiscal year 2011)—

''(A) the Federal share, consisting of an amount equal to the lesser of—

''(i) 90 percent of the expenditures in carrying out this title for the respective fiscal year (initially based on estimates, subject to subsequent reconciliation based on actual expenditures); or

''(ii)(I) $71,000,000 for the last calendar quarter of fiscal year 2011, $318,000,000 for fiscal year 2012, $354,000,000 for fiscal year 2013, $382,000,000 for fiscal year 2014, and $431,000,000 for fiscal year 2015; and

''(II) subject to paragraph (4), an additional amount for fiscal year 2016 from unexpended amounts for previous fiscal years; plus

''(B) the New York City share, consisting of the amount contributed under the contract under section 3331(d).

''(3) CONTRACT REQUIREMENT.—

''(A) IN GENERAL.—No funds may be disbursed from the Fund unless New York City has entered into a contract with the WTC Program Administrator under section 3331(d)(1).

''(B) BREACH OF CONTRACT.—In the case of a failure to pay the amount so required under the contract—

''(i) the amount is recoverable under subparagraph (E)(ii) of such section;

''(ii) such failure shall not affect the disbursement of amounts from the Fund; and

''(iii) the Federal share described in paragraph (2)(A) shall not be increased by the amount so unpaid.

''(4) AGGREGATE LIMITATION ON FUNDING BEGINNING WITH FISCAL YEAR 2016.—Beginning with fiscal year 2016, in no case shall the share of Federal funds deposited into the Fund under paragraph (2) for such fiscal year and previous fiscal years and quarters exceed the sum of the amounts specified in paragraph (2)(A)(ii)(I).

''(b) MANDATORY FUNDS FOR MONITORING, INITIAL HEALTH EVALUATIONS, TREATMENT, AND CLAIMS PROCESSING.—

''(1) IN GENERAL.—The amounts deposited into the Fund under subsection (a)(2) shall be available, without further appropriation, consistent with paragraph (2) and subsection (c), to carry out subtitle B and sections 3302(a), 3303, 3304, 3305(a)(2), 3305(c), 3341, and 3342.

''(2) LIMITATION ON MANDATORY FUNDING.—This title does not establish any Federal obligation for payment of amounts in excess of the amounts available from the Fund for such purpose.

''(3) LIMITATION ON AUTHORIZATION FOR FURTHER APPROPRIATIONS.—This title does not establish any authorization for appropriation of amounts in excess of the amounts available from the Fund under paragraph (1).

''(c) LIMITS ON SPENDING FOR CERTAIN PURPOSES.—Of the amounts made available under subsection (b)(1), not more than each of the following amounts may be available for each of the following purposes:

''(1) SURVIVING IMMEDIATE FAMILY MEMBERS OF FIREFIGHTERS.—For the purposes of carrying out subtitle B with respect to WTC responders described in section 3311(a)(2)(A)(ii)—

''(A) for the last calendar quarter of fiscal year 2011, $100,000;

''(B) for fiscal year 2012, $400,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(2) WTC HEALTH PROGRAM SCIENTIFIC/TECHNICAL ADVISORY COMMITTEE.—For the purpose of carrying out section 3302(a)—

''(A) for the last calendar quarter of fiscal year 2011, $25,000;

''(B) for fiscal year 2012, $100,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(3) EDUCATION AND OUTREACH.—For the purpose of carrying out section 3303—

''(A) for the last calendar quarter of fiscal year 2011, $500,000;

''(B) for fiscal year 2012, $2,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(4) UNIFORM DATA COLLECTION.—For the purpose of carrying out section 3304 and for reimbursing Data Centers (as defined in section 3305(b)(2)) for the costs incurred by such Centers in carrying out activities under contracts entered into under section 3305(a)(2)—

''(A) for the last calendar quarter of fiscal year 2011, $2,500,000;

''(B) for fiscal year 2012, $10,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(5) RESEARCH REGARDING CERTAIN HEALTH CONDITIONS.—For the purpose of carrying out section 3341—

''(A) for the last calendar quarter of fiscal year 2011, $3,750,000;

''(B) for fiscal year 2012, $15,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.

''(6) WORLD TRADE CENTER HEALTH REGISTRY.—For the purpose of carrying out section 3342—

''(A) for the last calendar quarter of fiscal year 2011, $1,750,000;

''(B) for fiscal year 2012, $7,000,000; and

''(C) for each subsequent fiscal year, the amount specified under this paragraph for the previous fiscal year increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) as estimated by the Secretary for the 12-month period ending with March of the previous year.''.

TITLE II—SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001

SEC. 201. DEFINITIONS.

Section 402 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in paragraph (6) by inserting '', or debris removal, including under the World Trade Center Health Program established under section 3001 of the Public Health Service Act, and payments made pursuant to the settlement of a civil action described in section 405(c)(3)(C)(iii)'' after ''September 11, 2001'';

(2) by inserting after paragraph (6) the following new paragraphs and redesignating subsequent paragraphs accordingly:

''(7) CONTRACTOR AND SUBCONTRACTOR.—The term 'contractor and subcontractor' means any contractor or subcontractor (at any tier of a subcontracting relationship), including any general contractor, construction manager, prime contractor, consultant, or any parent, subsidiary, associated or allied company, affiliated company, corporation, firm, organization, or joint venture thereof that participated in debris removal at any 9/11 crash site. Such term shall not include any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center, on September 11, 2001, whether fee simple, leasehold or easement, direct or indirect.

''(8) DEBRIS REMOVAL.—The term 'debris removal' means rescue and recovery efforts, removal of debris, cleanup, remediation, and response during the immediate aftermath of the terrorist-related aircraft crashes of September 11, 2001, with respect to a 9/11 crash site.'';

(3) by inserting after paragraph (10), as so redesignated, the following new paragraph and redesignating the subsequent paragraphs accordingly:

''(11) IMMEDIATE AFTERMATH.—The term 'immediate aftermath' means any period beginning with the terrorist-related aircraft crashes of September 11, 2001, and ending on May 30, 2002.''; and

(4) by adding at the end the following new paragraph:

''(14) 9/11 CRASH SITE.—The term '9/11 crash site' means—

''(A) the World Trade Center site, Pentagon site, and Shanksville, Pennsylvania site;

''(B) the buildings or portions of buildings that were destroyed as a result of the terrorist-related aircraft crashes of September 11, 2001;

''(C) any area contiguous to a site of such crashes that the Special Master determines was sufficiently close to the site that there was a demonstrable risk of physical harm resulting from the impact of the aircraft or any subsequent fire, explosions, or building collapses (including the immediate area in which the impact occurred, fire occurred, portions of buildings fell, or debris fell upon and injured individuals); and

''(D) any area related to, or along, routes of debris removal, such as barges and Fresh Kills.''.

SEC. 202. EXTENDED AND EXPANDED ELIGIBILITY FOR COMPENSATION.

(a) INFORMATION ON LOSSES RESULTING FROM DEBRIS REMOVAL INCLUDED IN CONTENTS OF CLAIM FORM.—Section 405(a)(2)(B) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in clause (i), by inserting '', or debris removal during the immediate aftermath'' after ''September 11, 2001'';

(2) in clause (ii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''; and

(3) in clause (iii), by inserting ''or debris removal during the immediate aftermath'' after ''crashes''.

(b) EXTENSION OF DEADLINE FOR CLAIMS UNDER SEPTEMBER 11TH VICTIM COMPENSATION FUND OF 2001.—Section 405(a)(3) of such Act is amended to read as follows:

''(3) LIMITATION.—

''(A) IN GENERAL.—Except as provided by subparagraph (B), no claim may be filed under paragraph (1) after the date that is 2 years after the date on which regulations are promulgated under section 407(a).

''(B) EXCEPTION.—A claim may be filed under paragraph (1), in accordance with subsection (c)(3)(A)(i), by an individual (or by a personal representative on behalf of a deceased individual) during the period beginning on the date on which the regulations are updated under section 407(b) and ending on the date that is 5 years after the date on which such regulations are updated.''.

(c) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—Section 405(c)(3) of such Act is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:

''(A) REQUIREMENTS FOR FILING CLAIMS DURING EXTENDED FILING PERIOD.—

''(i) TIMING REQUIREMENTS FOR FILING CLAIMS.—An individual (or a personal representative on behalf of a deceased individual) may file a claim during the period described in subsection (a)(3)(B) as follows:

''(I) In the case that the Special Master determines the individual knew (or reasonably should have known) before the date specified in clause (iii) that the individual suffered a physical harm at a 9/11 crash site as a result of the terrorist-related aircraft crashes of September 11, 2001, or as a result of debris removal, and that the individual knew (or should have known) before such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the date that is 2 years after such specified date.

''(II) In the case that the Special Master determines the individual first knew (or reasonably should have known) on or after the date specified in clause (iii) that the individual suffered such a physical harm or that the individual first knew (or should have known) on or after such specified date that the individual was eligible to file a claim under this title, the individual may file a claim not later than the last day of the 2-year period beginning on the date the Special Master determines the individual first knew (or should have known) that the individual both suffered from such harm and was eligible to file a claim under this title.

''(ii) OTHER ELIGIBILITY REQUIREMENTS FOR FILING CLAIMS.—An individual may file a claim during the period described in subsection (a)(3)(B) only if—

''(I) the individual was treated by a medical professional for suffering from a physical harm described in clause (i)(I) within a reasonable time from the date of discovering such harm; and

''(II) the individual's physical harm is verified by contemporaneous medical records created by or at the direction of the medical professional who provided the medical care.

''(iii) DATE SPECIFIED.—The date specified in this clause is the date on which the regulations are updated under section 407(a).''.

(d) CLARIFYING APPLICABILITY TO ALL 9/11 CRASH SITES.—Section 405(c)(2)(A)(i) of such Act is amended by striking ''or the site of the aircraft crash at Shanksville, Pennsylvania'' and inserting ''the site of the aircraft crash at Shanksville, Pennsylvania, or any other 9/11 crash site''.

(e) INCLUSION OF PHYSICAL HARM RESULTING FROM DEBRIS REMOVAL.—Section 405(c) of such Act is amended in paragraph (2)(A)(ii), by inserting ''or debris removal'' after ''air crash''.

(f) LIMITATIONS ON CIVIL ACTIONS.—

(1) APPLICATION TO DAMAGES RELATED TO DEBRIS REMOVAL.—Clause (i) of section 405(c)(3)(C) of such Act, as redesignated by subsection (c), is amended by inserting '', or for damages arising from or related to debris removal'' after ''September 11, 2001''.

(2) PENDING ACTIONS.—Clause (ii) of such section, as so redesignated, is amended to read as follows:

''(ii) PENDING ACTIONS.—In the case of an individual who is a party to a civil action described in clause (i), such individual may not submit a claim under this title—

''(I) during the period described in subsection (a)(3)(A) unless such individual withdraws from such action by the date that is 90 days after the date on which regulations are promulgated under section 407(a); and

''(II) during the period described in subsection (a)(3)(B) unless such individual withdraws from such action by the date that is 90 days after the date on which the regulations are updated under section 407(b).''.

(3) SETTLED ACTIONS.—Such section, as so redesignated, is further amended by adding at the end the following new clause:

''(iii) SETTLED ACTIONS.—In the case of an individual who settled a civil action described in clause (i), such individual may not submit a claim under this title unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.''.

SEC. 203. REQUIREMENT TO UPDATE REGULATIONS.

Section 407 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) by striking ''Not later than'' and inserting ''(a) IN GENERAL.—Not later than''; and

(2) by adding at the end the following new subsection:

''(b) UPDATED REGULATIONS.—Not later than 180 days after the date of the enactment of the James Zadroga 9/11 Health and Compensation Act of 2010, the Special Master shall update the regulations promulgated under subsection (a) to the extent necessary to comply with the provisions of title II of such Act.''.

SEC. 204. LIMITED LIABILITY FOR CERTAIN CLAIMS.

Section 408(a) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended by adding at the end the following new paragraphs:

''(4) LIABILITY FOR CERTAIN CLAIMS.—Notwithstanding any other provision of law, liability for all claims and actions (including claims or actions that have been previously resolved, that are currently pending, and that may be filed) for compensatory damages, contribution or indemnity, or any other form or type of relief, arising from or related to debris removal, against the City of New York, any entity (including the Port Authority of New York and New Jersey) with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect) and any contractors and subcontractors, shall not be in an amount that exceeds the sum of the following, as may be applicable:

''(A) The amount of funds of the WTC Captive Insurance Company, including the cumulative interest.

''(B) The amount of all available insurance identified in schedule 2 of the WTC Captive Insurance Company insurance policy.

''(C) As it relates to the limitation of liability of the City of New York, the amount that is the greater of the City of New York's insurance coverage or $350,000,000. In determining the amount of the City's insurance coverage for purposes of the previous sentence, any amount described in subparagraphs (A) and (B) shall not be included.

''(D) As it relates to the limitation of liability of any entity, including the Port Authority of New York and New Jersey, with a property interest in the World Trade Center on September 11, 2001 (whether fee simple, leasehold or easement, or direct or indirect), the amount of all available liability insurance coverage maintained by any such entity.

''(E) As it relates to the limitation of liability of any individual contractor or subcontractor, the amount of all available liability insurance coverage maintained by such contractor or subcontractor on September 11, 2001.

''(5) PRIORITY OF CLAIMS PAYMENTS.—Payments to plaintiffs who obtain a settlement or judgment with respect to a claim or action to which paragraph (4) applies, shall be paid solely from the following funds in the following order, as may be applicable:

''(A) The funds described in subparagraph (A) or (B) of paragraph (4).

''(B) If there are no funds available as described in subparagraph (A) or (B) of paragraph (4), the funds described in subparagraph (C) of such paragraph.

''(C) If there are no funds available as described in subparagraph (A), (B), or (C) of paragraph (4), the funds described in subparagraph (D) of such paragraph.

''(D) If there are no funds available as described in subparagraph (A), (B), (C), or (D) of paragraph (4), the funds described in subparagraph (E) of such paragraph.

''(6) DECLARATORY JUDGMENT ACTIONS AND DIRECT ACTION.—Any claimant to a claim or action to which paragraph (4) applies may, with respect to such claim or action, either file an action for a declaratory judgment for insurance coverage or bring a direct action against the insurance company involved, except that no such action for declaratory judgment or direct action may be commenced until after the funds available in subparagraph (A), (B), (C), and (D) of paragraph (5) have been exhausted consistent with the order described in such paragraph for payment.''.

SEC. 205. FUNDING; ATTORNEY FEES.

Section 406 of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note) is amended—

(1) in subsection (a), by striking ''Not later than'' and inserting ''Subject to the limitations under subsection (d), not later than'';

(2) in subsection (b)—

(A) by inserting ''in the amounts provided under subsection (d)(1)'' after ''appropriations Acts''; and

(B) by inserting ''subject to the limitations under subsection (d)'' before the period; and

(3) by adding at the end the following new subsections:

''(d) LIMITATION.—

''(1) IN GENERAL.—The total amount of Federal funds paid for compensation under this title, with respect to claims filed on or after the date on which the regulations are updated under section 407(b), shall not exceed $2,775,000,000. Of such amounts, not to exceed $875,000,000 shall be available to pay such claims during the 5-year period beginning on such date.

''(2) PRO-RATION AND PAYMENT OF REMAINING CLAIMS.—

''(A) IN GENERAL.—The Special Master shall ratably reduce the amount of compensation due claimants under this title in a manner to ensure, to the extent possible, that—

''(i) all claimants who, before application of the limitation under the second sentence of paragraph (1), would have been determined to be entitled to a payment under this title during such 5-year period, receive a payment during such period; and

''(ii) the total amount of all such payments made during such 5-year period do not exceed the amount available under the second sentence of paragraph (1) to pay claims during such period.

''(B) PAYMENT OF REMAINDER OF CLAIM AMOUNTS.—In any case in which the amount of a claim is ratably reduced pursuant to subparagraph (A), on or after the first day after the 5-year period described in paragraph (1), but in no event later than 1 year after such 5-year period, the Special Master shall pay to the claimant the amount that is equal to the difference between—

''(i) the amount that the claimant would have been paid under this title during such period without regard to the limitation under the second sentence of paragraph (1) applicable to such period; and

''(ii) the amount the claimant was paid under this title during such period.

''(C) TERMINATION.—Upon completion of all payments pursuant to this subsection, the Victim's Compensation Fund shall be permanently closed.

''(e) ATTORNEY FEES.—

''(1) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not charge, for services rendered in connection with the claim of an individual under this title, more than 10 percent of an award made under this title on such claim.

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of an individual who was charged a legal fee in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii), the representative of the individual may not charge any amount for compensation for services rendered in connection with a claim filed under this title.

''(B) EXCEPTION.—If the legal fee charged in connection with the settlement of a civil action described in section 405(c)(3)(C)(iii) of an individual is less than 10 percent of the aggregate amount of compensation awarded to such individual through such settlement, the representative of such individual may charge an amount for compensation for services rendered to the extent that such amount charged is not more than—

''(i) 10 percent of such aggregate amount through the settlement, minus

''(ii) the total amount of all legal fees charged for services rendered in connection with such settlement.

''(3) DISCRETION TO LOWER FEE.—In the event that the special master finds that the fee limit set by paragraph (1) or (2) provides excessive compensation for services rendered in connection with such claim, the Special Master may, in the discretion of the Special Master, award as reasonable compensation for services rendered an amount lesser than that permitted for in paragraph (1).''.

TITLE III—REVENUE RELATED PROVISIONS

SEC. 301. EXCISE TAX ON CERTAIN FOREIGN PROCUREMENT.

(a) IMPOSITION OF TAX.—

(1) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

''CHAPTER 50—FOREIGN PROCUREMENT

''Sec. 5000C. Imposition of tax on certain foreign procurement.

''SEC. 5000C. IMPOSITION OF TAX ON CERTAIN FOREIGN PROCUREMENT.

''(a) IMPOSITION OF TAX.—There is hereby imposed on any foreign person that receives a specified Federal procurement payment a tax equal to 2 percent of the amount of such specified Federal procurement payment.

''(b) SPECIFIED FEDERAL PROCUREMENT PAYMENT.—For purposes of this section, the term 'specified Federal procurement payment' means any payment made pursuant to a contract with the Government of the United States for—

''(1) the provision of goods, if such goods are manufactured or produced in any country which is not a party to an international procurement agreement with the United States, or

''(2) the provision of services, if such services are provided in any country which is not a party to an international procurement agreement with the United States.

''(c) FOREIGN PERSON.—For purposes of this section, the term 'foreign person' means any person other than a United States person.

''(d) ADMINISTRATIVE PROVISIONS.—

''(1) WITHHOLDING.—The amount deducted and withheld under chapter 3 shall be increased by the amount of tax imposed by this section on such payment.

''(2) OTHER ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle D of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''CHAPTER 50—FOREIGN PROCUREMENT''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments received pursuant to contracts entered into on and after the date of the enactment of this Act.

(b) PROHIBITION ON REIMBURSEMENT OF FEES.—

(1) IN GENERAL.—The head of each executive agency shall take any and all measures necessary to ensure that no funds are disbursed to any foreign contractor in order to reimburse the tax imposed under section 5000C of the Internal Revenue Code of 1986.

(2) ANNUAL REVIEW.—The Administrator for Federal Procurement Policy shall annually review the contracting activities of each executive agency to monitor compliance with the requirements of paragraph (1).

(3) EXECUTIVE AGENCY.—For purposes of this subsection, the term ''executive agency'' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(c) APPLICATION.—This section and the amendments made by this section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 302. RENEWAL OF FEES FOR VISA-DEPENDENT EMPLOYERS.

Subsections (a), (b), and (c) of section 402 of Public Law 111–230 are amended by striking ''2014'' each place that such appears and inserting ''2015''.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010.

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 report the motion.

The Clerk read as follows:

Mr. Pallone moves that the House concur in the Senate amendment to H.R. 847.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the motion shall be debatable for 30 minutes equally divided and controlled by the Chair and ranking minority Member of the Committee on Energy and Commerce.

The gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 15 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

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

There was no objection.

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

I rise in strong support of the Senate amendment to H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2019. Today, this body, for the third time, will vote on legislation to finally keep our promise and take care of the heroes of 9/11.

I would like to thank the bill's sponsors, Representatives CAROLYN MALONEY and JERRY NADLER, as well as my colleagues from New York on the committee, ELIOT ENGEL and ANTHONY WEINER, also, for their tireless work on behalf of this legislation.

Madam Speaker, this bill would establish the World Trade Center Health Program, a program to screen, monitor and treat eligible responders and survivors who are suffering from World Trade Center related diseases. It also reopens the 9/11 Victim Compensation Fund.

H.R. 847, as amended, costs $4.2 billion over 10 years. Of that amount, $1.5 billion will go to the health program, while $2.7 billion will go the VCF. Both programs are now limited to 5 years.

The amended bill before us today also changes how the two programs are paid for by a 2 percent fee on government procurement from foreign companies located in nongovernmental procurement, and a 1-year extension of H1–B and L–1 visa fees for outsourcing companies.

Madam Speaker, this bill has long been a huge priority for me and many of my colleagues in the House and the Senate. I urge my colleagues to pass the bill.

I reserve the balance of my time.

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

Madam Speaker, I appreciate the gentleman's efforts in this regard. I would like to take a few moments and clear up some of the mischaracterizations that have occurred, unfortunately, around the debate of this bill as it has worked its way through both Houses.

There have been some who have claimed that my side, the Republicans, do not support providing treatment for 9/11 first responders, and that these first responders are currently going without treatment for the illnesses and injuries they suffered as a result of serving at the World Trade Center. Both of those claims are simply not true.

According to President Obama's administration's own Centers for Disease Control, the agency said, ''We will continue to provide monitoring and treatment services for mental and physical health conditions related to World Trade Center exposures for both responders and for eligible non-responders. The World Trade Center program is critical in meeting the ongoing and long-term specialty needs of individuals that were exposed to dust, smoke, debris, and psychological trauma from the World Trade Center attacks.''

As of September 30, 2009, the World Trade Center program had enrolled over 55,000 responders in its monitoring and treatment programs. This is in the CDC's budget justification for 2011.

At the Energy and Commerce Committee's markup of this legislation, Republicans offered an amendment that would authorize the program that is already providing treatment and monitoring benefits and authorized funding for the program at exactly the level that was requested by the President of the United States. That same amendment asked for real accountability to ensure that we knew how the tax dollars were being spent. Unfortunately, that amendment was defeated.

I am pleased that work in the Senate has yielded an amendment that will provide for increased accountability and increased transparency in how these funds are spent. H.R. 847 caps the number of people that can be enrolled in the program but it does not require those enrolled to verify their citizenship.

□ 1600

We offered an amendment that would require this program so that people in the country without benefit of Social Security numbers would not get benefits while Americans were being stuck on the waiting list. This amendment was defeated.

As with any government spending program, there should be limitations on who can participate. The government has limited resources, so the principal beneficiaries of the 9/11 health program should be the first responders. However, H.R. 847 provides more than just benefits to first responders; it also provides benefits to anyone who lives and works in New York City. Under this bill, even Wall Street millionaires could receive benefits with no cost to them, all done at the taxpayers' expense.

In fact, in the Committee on Energy and Commerce I offered an amendment that was rejected by the committee. I attempted to offer the amendment at Rules when this legislation was brought before the House before our adjournment in September, but I was thwarted in that. But it remains that we ought to ensure that Federal taxpayers would not have to pay for the health care of millionaires.

The bill passed by the Senate is an improvement over what passed in the House. There could have been further improvements to ensure our limited resources are being spent in the most efficient manner possible. But all in all, the improvements that have been accomplished over the last 24 hours are all to the good. This is an important piece of legislation. This is something that this Congress or some Congress should have passed in the last 8 years. And it is unconscionable that we are here today at the last hour of the 111th Congress with still this work pending. It's important to get this work done.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the chairman of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I rise in strong support, Madam Speaker, of H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010. I want to thank the chairman of the Health Subcommittee, FRANK PALLONE, as well as my colleagues from New York on the committee, ELIOT ENGEL and ANTHONY WEINER, for their relentless work on behalf of this legislation, as well as Representatives MALONEY and NADLER, and the whole New York City delegation, who were tireless in their support of this bill.

This is an important piece of legislation that will attempt to provide the services to first responders and community residents who developed illness as a result of their exposure to the massive toxic dust cloud that blanketed Lower Manhattan after the terrorist attack on September 11, 2001. I strongly urge all Members to support this legislation.

H.R. 847, was reported by the Energy and Commerce Committee with bipartisan support on May 25 by a vote of 33–12.

The House passed H.R. 847 on September 29; the bill received bipartisan support from 268 Members.

The version of before us this afternoon is one that has been amended by the Senate in order to obtain bipartisan support in that Chamber.

Like the House-passed version, the Senate version is fully paid for and will not increase the deficit. It fully complies with all pay-go rules.

The World Trade Center Health Program currently provides services to first responders and community residents who developed illnesses as a result of their exposure to the massive toxic dust cloud that blanketed lower Manhattan after the terrorist attacks on September 11, 2001.

The current program is not authorized. The House-passed bill authorized the Health Program through FY 2019 at a federal funding level of $3.2 billion. The federal government will pay 90 percent of the cost, while New York City will pay 10 percent.

The Senate amendment reduces the authorization period to FY 2015 and federal funding to $1.5 billion. New York City would still be required to pay 10 percent of the costs.

The Senate amendment makes a number of other changes in the Health Program.

It prohibits the Secretary of HHS from using NIOSH to administer payments to Centers of Excellence and other participating providers.

It clarifies that Centers of Excellence delivering services to responders and community residents will have to provide claims-level data to the Health Program Administrator.

It clarifies the Centers of Excellence should be paid for the costs of carrying out the program that are not otherwise reimbursable, such as outreach, data collection, social services, and development of treatment protocols.

It authorizes the Program Administrator to contract with the VA to provide services to responders enrolled in the national program through its facilities, but only if the VA chooses to do so.

Finally, the Senate amendment directs the GAO to conduct studies on various aspects of the Health Program and to report to the Committees of jurisdiction prior to July 1, 2011. That is the date on which Secretary of HHS and the WTC Administrator are responsible for implementing the Health Program. In the likely event that the GAO is unable to complete all of its work by that date, the Program will nonetheless begin furnishing services to responders and survivors.

The Administration supports this bill for the same reason that all of us should: it is the right thing to do.

The first responders were there for us on 9–11. We should be there for them today.

I urge my colleagues to pass this bill and send it on to the President for signature.

Mr. BURGESS. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman from Texas for yielding.

Madam Speaker, long before New York City's first responders rushed to save their fellow Americans in the fire and the horror of 9/11, they came to help the people of Oklahoma City deal with the death and destruction stemming from the terrorist bombing of the Alfred P. Murrah Federal Building on April 19, 1995. The people of Oklahoma have never forgotten the help that they received in their most difficult days from the first responders of New York City and their fellow first responders from all across North America.

When 9/11 occurred, Oklahoma's first responders were proud to join their fellow Americans and rush to the aid of a stricken New York City. Now it's our turn in this body to help all of those

who answered the call of duty on 9/11. They risked themselves to save others and to help one of America's great cities deal with and recover from the devastation of the greatest terrorist attack in our history. It's time, as our greatest President said in an earlier era and in another context, ''to bind up the Nation's wounds, to care for him who shall have borne the battle, and for his widow, and for his orphan.''

Madam Speaker, I urge the passage of H.R. 847, as amended.

Mr. PALLONE. Madam Speaker, I yield 1 minute to one of the sponsors of the bill who has worked tirelessly on this, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. Madam Speaker, let me first thank everyone who has worked on this bill and say the Senate passed this bill a little while ago unanimously. The most conservative Senators, Senators ENZI and COBURN, supported it, and I hope we can do the same.

Nine years ago, Madam Speaker, the heroes of 9/11 ran into the buildings, they rushed into the burning buildings, and they worked in a toxic environment for weeks and months. They have suffered for that. They have suffered for their service to this country by getting sick, by dying, by being sick. It is now up to us to see that the United States honors its heroes, that the United States does not turn its back on those who served us.

When we pass this bill, we will answer the question of whether the United States honors its heroes, and whether the United States honors itself. Let us pass this bill, let us redeem the honor of the United States after all these years, let us show the world that the United States looks after its own. That's what this bill is. I urge everyone to support it.

Mr. BURGESS. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Madam Speaker, I too support the goal of ensuring that the brave men and women that acted as first responders at the World Trade Center attack are fairly treated and compensated. But I rise today to oppose the troubling provisions the majority has attached to pay for this bill.

This measure would impose a 2 percent tax on goods and services that are produced or provided in certain foreign countries from firms that are based in foreign countries that are not parties to certain treaties or international agreements. It sounds complicated. But some analysis suggests that a significant majority of this tax, at least two-thirds, if not more, would be raised by taxing contracts that support American troops stationed in the Afghan and Iraqi theaters. Even more incredible, this tax could apply to American companies that are providing goods and services to our troops through local subsidiaries. Levying additional taxes on companies that support American troops is both illogical and dangerous.

In addition, there is no reason that other countries wouldn't copy this tax and impose it on our U.S. companies that are competing to sell goods and services overseas. This would hurt our U.S. economic recovery efforts and efforts to boost U.S. sales abroad and create American jobs here at home. Moreover, I have real concerns that this excise tax could be subject to legal challenge at the World Trade Organization and may be inconsistent with our G–20 commitments to avoid imposing new protectionist measures.

Madam Speaker, I urge a ''no'' vote because of these provisions. Strangely, the proposed procurement tax doesn't include any of the exceptions included in our standard Buy America legislation, such as non-availability, unreasonable cost and inconsistency with the public interest. As a result, the bill would mandate a tax on the procurement of goods from a foreign producer even when U.S. goods aren't available.

In addition to this new tax, the bill would extend a tax on companies that have more than half their employees on certain specialized visas to work here in the United States. This tax raises independent concerns under our international obligations.

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

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

Mr. BRADY of Texas. Finally, I would like to have printed in the RECORD a letter from 10 key business associations, including the Emergency Committee for American Trade and the U.S. Chamber of Commerce, that also oppose the use of these pay-for provisions.

DECEMBER 21, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.
Hon. JOHN BOEHNER,
Republican Leader, House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER PELOSI AND LEADERS REID, BOEHNER, AND MCCONNELL: We are writing to urge you to remove from the proposed amended version of H.R. 847 the Title III revenue raisers related to international government procurement. First, its purported revenue raising benefits are highly questionable. Second, there is a high risk that it will undermine the international competitiveness of American companies and American workers.

Title III would impose an excise tax on companies that are from foreign countries which are not members of the World Trade Organization (WTO) Government Procurement Agreement (GPA) or similar procurement arrangements ostensibly for the purpose of helping finance health benefits for the valiant 9/11 first responders. In reality, the U.S. federal government is already prohibited from procuring from such countries, except under very limited conditions—when the good or service is not available in the United States or would cost an unreasonable amount or if the procurement is required for the national interest. Moreover, the amount of such procurement is generally regarded as relatively small compared to U.S. sales into the procurement markets of these countries.

The procurement portions of this legislation would undermine U.S. efforts to succeed in the international economy by both inviting non-GPA countries to take reciprocal action against U.S. companies seeking to participate in their procurement markets and by opening the United States to retaliation for violating its WTO obligations. While U.S. companies certainly face significant and discriminatory procurement barriers in China, India, Brazil and other countries that are not part of the WTO procurement agreement, U.S. companies are still selling more into those government procurement markets than the United States is purchasing from those countries. As a result, there would more than likely be net loss for U.S. exports, U.S. companies and U.S. jobs if this provision became a model for foreign governments.

Furthermore, the imposition of this discriminatory tax on foreign companies may also violate U.S. international commitments if implemented. If found to be contrary to U.S. WTO commitments, other countries could end up being authorized to retaliate directly against U.S. exports, further undermining U.S. opportunities overseas.

For all of these reasons, we strongly urge you to remove the Title III procurement provisions from this legislation.

Respectfully,
American Association of Exporters and Importers (AAEI);
Association of Equipment Manufacturers (AEM);
Business Roundtable;
Emergency Committee for American Trade (ECAT);
National Foreign Trade Council (NFTC);
National Retail Federation (NRF);
Organization for International Investment (OFII);
TechAmerica;
United States Council for International Business (USCIB);
U.S. Chamber of Commerce;
U.S.-China Business Council.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the Speaker of the House, who has done so much to make this bill possible.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I rise to briefly congratulate and thank the Members of the New York delegation and others who helped bring this legislation to the floor in a strong bipartisan way: Congresswoman MALONEY, Congressman NADLER, Congressman KING. Thank you. We thank you for giving us the opportunity to say ''thank you'' in a real way to our first responders, to our firefighters, to those who rushed in without question to rescue their fellow Americans, and people from all over the country as a matter of fact.

There is an exhilaration, Madam Speaker, that you see in the Chamber, because right now we know that any discussion we have ever had about 9/11 has been a discussion where we have entered holy and sacred ground, where people lost their lives. Fewer did because others were willing to risk theirs. For over 9 years we have been

trying to redress the grievance that we have of people not having the health benefits and the recognition of their service, their sacrifice, and their courage.

Today Mr. KING, Congresswoman MALONEY, Congressman NADLER—I should say Congressman KING, Chairman KING to be—and the leadership of this House and of the United States Senate, and I thank Senator GILLIBRAND and Senator SCHUMER as well as Senator REID and the Republican leadership in the Senate for affording us this opportunity to extend our patriotic appreciation to those whose love of our country, whose care and commitment to their fellow person, who unquestionably made sacrifices, and now, almost 9½ years later, more than 9 years later we finally are doing the right thing for them.

□ 1610

Every day our firefighters, our police officers, our first responders leave their homes, willing to risk their lives. Little did they know on that day many of them would not return home. How can we ever repay their sacrifice and their courage?

So, today we do so, certainly not enough, but as a token of our appreciation for what they have done to strengthen our country.

Again, I thank all of those who made this important legislation possible.

Mr. BURGESS. May I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Texas has 7½ minutes remaining, and the gentleman from New Jersey has 10½ minutes remaining.

Mr. BURGESS. I yield myself 30 seconds.

Madam Speaker, Congressman BRADY articulated very well some of the concerns he has with the pay-for that is in this bill, raising new revenues through tariffs, and the possibility of retaliatory efforts by other countries.

I would just point out, in section 4002 of the recently passed health care law last March, there is a section that calls for a Public Health and Wellness Trust Fund. The Secretary of Health and Human Services has $15 billion in a slush fund in ObamaCare. This money could have been easily used to pay for this legislation. It could have been done last April, and we wouldn't be here at the last minute trying to scrounge for capital to pay these funds.

Mr. PALLONE. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), who is the prime sponsor of the legislation and has worked so hard on this bill.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. I thank all of my colleagues, especially the New York delegation and the Speaker and Leader HOYER.

Today, Congress repays a long overdue debt and answers the emergency calls of our ailing 9/11 first responders and survivors. This bill will save lives. It has taken too long, but help finally is here for the thousands of Americans who are suffering because of 9/11.

Our bill will give support and hope to more than 36,000 Americans who are ailing because of the attacks on our Nation. It also says to future generations that if you are harmed in the service of our country, you will be taken care of.

I couldn't be more proud of everyone who fought like hell to pass this bill, our Senators GILLIBRAND and SCHUMER, my good friends and coauthors NADLER and KING, the 9/11 responders and survivors who are here with us, and the thousands of their brothers and sisters who could not be. John Feal, you have been a warrior for this bill. Thank you.

Just after the attacks, this body came together. With this bill, we put in law that we will never forget and do whatever it takes.

Madam Speaker, today, I proudly rise to support the James Zadroga 9/11 Health and Compensation Act. Passing this bill and getting it to the President's desk will truly be a Christmas miracle.

When JERRY NADLER and I first introduced a 9/11 bill, we never would have thought it could take 7 years or that it could be the last legislative item out the door. It should never have taken so long.

A TV commentator recently made a good point when he said that Pearl Harbor was not just a Hawaii issue and neither should caring for the victims of 9/11 be a New York issue. The Twin Towers were attacked as a symbol of our Nation and the sick and injured are not just from New York. After the attacks, at least 10,000 brave men and women came from all 50 states and 428 of 435 Congressional districts.

I thank my colleagues from across the country for staying to complete the last remaining gap in America's response to 9/11. Our bill will give support and hope to the more than 36,000 Americans who are ailing because of the attacks on our Nation, and it also says to future generations that if you are harmed in the service of America, you will be taken care of.

I especially thank my good friends and coauthors JERRY NADLER and PETER KING, the entire New York Delegation, and Speaker PELOSI and Majority Leader HOYER, who all helped pass this bill in September and are working on it today. I thank Senators GILLIBRAND and SCHUMER for tireless efforts to get this bill done.

This long-overdue legislation will provide health care and financial compensation to the responders and survivors who are sick from exposure to toxins at Ground Zero. The cost of the bill has been cut almost in half to $4.3 billion from $7.4 billion. The Victim Compensation Fund will be funded for 5 years at $2.8 billion and the health programs will be fully funded for 5 years at $1.5 billion. I thank Members of the other body for coming to this bipartisan compromise.

The offset has been entirely replaced with two other offsets and in addition to fully funding this bill, the procurement payfor will put an estimated $450 million in extra revenue toward the deficit.

We are reminded this holiday season of the importance of giving. But today I ask my colleagues to remember all that the heroes of 9/11 have already given. These individuals rushed to the site of immeasurable danger and first gave their time, and later are giving up their health, and in some cases their lives.

Nine long years have passed since the attacks. It was never the intention of the bill's authors to make this a partisan issue and I regret that it has become wrapped in party politics.

I hope that my colleagues on both sides of the aisle can come together, just as we stood together on the steps of the Capitol the evening of September 11, 2001, to show our gratitude to the responders and survivors who have given so much to our country.

There could be no better gift to America this holiday season than helping save the lives of those who came to the aid of our Nation in a time of war.

Mr. BURGESS. I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL) for the purpose of a unanimous consent request.

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

Mr. ENGEL. I rise in strong support of this bill. This is a fitting way to end the 111th Congress. This is the proudest moment I have had in Congress in 22 years. I believe that our hard work paid off, all of us together on the Health Subcommittee of the Energy and Commerce Committee.

I urge my colleagues to support the bill.

Madam Speaker, I rise in strong support of the James Zadroga 9/11 Health Compensation Act. As a member of the Energy and Commerce Committee I was proud to help shepherd this bill through the committee process and am proud to speak in support of this legislation yet again on the House floor this year.

Two days ago, I joined New York City Mayor, Michael Bloomberg, and other members of the New York delegation, and first responders to urge swift passage of this bill in the Senate.

Madam speaker, it is shameful that we are approaching the 10-year anniversary of 9–11 next year and this bill still has not reached the President for his signature.

Now I am here again today to urge my colleagues to vote in favor of the package that we are considering today, which rectifies some of the concerns that my colleagues on the other side of the aisle have expressed.

This is not a partisan issue, and the package that we consider today reflects that.

People from all over the country joined to help after the attack without concern for their health or wellbeing. Now it is their country's time to step-up in their time of need. Victims of 9–11 continue to suffer from crippling physical ailments. They are dying and have been ignored for almost a decade. The House noticed, once already this year. I am hopeful that we can send a bill to the Senate that will pass.

I look forward to casting my vote in support of the James Zadroga 9/11 Health Compensation Act and sending it back to the Senate.

I am proud of the role that we played on the Health Subcommittee and the Energy and Commerce with our hearings and markups in moving this bill through. This is not a New

York issue; this is an American Issue. First responders came from all parts of the country. The Federal Government falsely told everyone it was safe to return and it wasn't.

Today we say thank you to our first responders—it is a fitting way to end the 111th Congress.

Mr. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield to the gentleman from New York (Mr. CROWLEY) for the purpose of a unanimous consent request.

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

Mr. CROWLEY. Madam Speaker, on September 11, my cousin, John Moran, was at Tower Two of the World Trade Center. He said, ''Let me off here. I want to try and make a difference.''

We have made a difference today in the lives of the people we're saving.

Today, I rise as the cousin of Battalion Chief John Moran.

My cousin, along with almost 3,000 others, died on September 11, 2001.

His last known words were to the driver of the New York City Fire Department vehicle. As he was dropped off at World Trade Center Tower 2, John said, 'Let me off here. I am going to try to make a difference.'

Nothing can replace the loss of my cousin or the thousands of others who were killed that day. Nothing can replace the loss of those who have perished since.

But, today we can make proud his memory and the memory of all those who served on September 11th and the days following.

Enactment of the James Zadroga 9-11 Health and Compensation Act fulfills a commitment to those who served our Nation honorably, tirelessly and without pause.

Today, I am proud to stand before my colleagues as the cousin of Battalion Chief John Moran, and I am proud, in the words of John, to 'make a difference' for the many heroes who have suffered long enough because of their service to our great country.

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. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield to the gentlewoman from New York (Ms. SLAUGHTER) for the purpose of a unanimous consent request.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, I rise in strong support of this bill. A lot of us are going to sleep a lot better now knowing that this bill has been passed.

Mr. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield to the gentleman from New York (Mr. RANGEL) for the purpose of a unanimous consent request.

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

Mr. RANGEL. All of us from the City of New York and around the Nation are so proud to be a Member of this body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will repeat that 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. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield to the gentleman from New York (Mr. MCMAHON) for the purpose of a unanimous consent request.

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

Mr. MCMAHON. Madam Speaker, I rise in support of this bill on behalf of the people of Staten Island and Brooklyn, New York, all of them, and in particular Trish and Marty Fullam.

The SPEAKER pro tempore. The gentleman from New Jersey will be charged with the time consumed.

Mr. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield to the gentleman from New York (Mr. ACKERMAN) for the purpose of a unanimous consent request.

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

Mr. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield to the gentlewoman from California (Ms. ESHOO) for the purpose of a unanimous consent request.

(Ms. ESHOO asked and was given permission to revise and extend her remarks.)

Ms. ESHOO. Madam Speaker, I urge all of my colleagues to vote for this. How proud I am to have voted as a Californian for the Americans that went and took care and did their job.

The SPEAKER pro tempore. The gentleman will be charged with the time.

Mr. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield to the gentleman from Georgia (Mr. SCOTT) for the purpose of a unanimous consent request.

(Mr. SCOTT of Georgia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Georgia. Madam Speaker, I rise in support of this bill as a big thank you from a very, very grateful Nation.

The SPEAKER pro tempore. The gentleman from New Jersey will be charged.

Mr. BURGESS. I continue to reserve the balance of my time.

Mr. PALLONE. I yield to the gentlewoman from Texas (Ms. JACKSON LEE) for the purpose of a unanimous consent request.

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman, and I rise to support the Senate amendment to H.R. 847, to be able to thank CAROLYN MALONEY for the enormous work and to also cite those who I saw dying that they might live.

Madam Speaker I rise today in strong support of H.R. 847, the ''James Zadroga 9/11 Health and Compensation Act.'' This bill has been a long time coming, and I am glad that it is finally here for us to provide medical monitoring and treatment benefits to eligible emergency responders and recovery and cleanup workers who responded to the September 11, 2001, terrorist attacks. This legislation also allows for initial health evaluation, monitoring, and treatment benefits to residents and other building occupants and area workers in New York City who were directly impacted and adversely affected by the 9/11 terrorist attacks.

I have met firsthand many of these first responders and workers, and I know the patriotic sacrifices they have made for their fellow Americans. These brave, selfless individuals who put aside their own needs and fears to come to the aid of their fellow Americans put their lives at risk. They ventured into the wreckage and dust of the World Trade Center, not worrying about their own well being, but rather, hoping that they could save the lives of strangers. As a result of their fearless acts, many of these emergency workers and first responders were exposed to airborne toxins and other hazards. Providing medical services, including clinical examinations, long-term health monitoring, mental health care and necessary prescription drug coverage, is the least we can do to repay them for their efforts.

The James Zadroga 9/11 Health and Compensation Act will provide both initial and follow-up medical services for World Trade Center responders and workers whose physical and mental health were impacted by the 9/11 attacks. H.R. 847 will also establish an outreach program to potentially eligible individuals.

September 11, 2001, is a day that is indelibly etched in the psyche of every American and most of the world. Much like the unprovoked attack on Pearl Harbor on December 7, 1941, September 11 is a day that will live in infamy. And as much as Pearl Harbor changed the course of world history by precipitating the global struggle between totalitarian fascism and representative democracy, the transformative impact of September 11 in the course of American and human history is indelible. September 11 was not only the beginning of the Global War on Terror, but moreover, it was the day of innocence lost for a new generation of Americans.

Just like my fellow Americans, I remember September 11 as vividly as if it was yesterday. In my mind's eye, I can still remember being mesmerized by the television as the two airliners crashed into the Twin Towers of the World Trade Center, and I remember the sense of terror we experienced when we realized that this was no accident, that we had been attacked, and that the world as we know it had changed forever. The moment in which the Twin Towers collapsed and the nearly 3,000 innocent Americans died haunts me until this day.

At this moment, I decided that the protection of our homeland would be at the forefront of my legislative agenda. I knew that all of our

collective efforts as Americans would all be in vain if we did not achieve our most important priority: the security of our nation. Accordingly, I became then and continue to this day to be an active and engaged Member of the Committee on Homeland Security who considers our national security paramount.

Our nation's collective response to the tragedy of September 11 exemplified what has been true of the American people since the inception of our Republic—in times of crisis, we come together and always persevere. Despite the depths of our anguish on the preceding day, on September 12, the American people demonstrated their compassion and solidarity for one another as we began the process of response, recovery, and rebuilding. We transcended our differences and came together to honor the sacrifices and losses sustained by the countless victims of September 11. Let us honor those who served and sacrificed by passing H.R. 847.

Madam Speaker, as I stand here today, my heart still grieves for those who perished on flights United Airlines 93, American Airlines 77, American Airlines 11, and United Airlines 175. When the sun rose on the morning of September 11, none of us knew that it would end in an inferno in the magnificent World Trade Center Towers in New York City, the Pentagon in Washington, DC, and in the grassy fields of Shanksville, Pennsylvania. How I wish we could have hugged and kissed and held each of the victims one last time.

I stand here remembering those who still suffer, whose hearts still ache over the loss of so many innocent and interrupted lives. My prayer is that for those who lost a father, a mother, a husband, a wife, a child, or a friend will in the days and years ahead take comfort in the certain knowledge that they have gone on to claim the greatest prize, a place in the Lord's loving arms. And down here on the ground, their memory will never die so long as any of the many of us who loved them lives.

Again, I would like to reiterate my strong support for H.R. 847, the James Zadroga 9/11 Health and Compensation Act, for it is important that we take care of those who take care of us in our time of need.

The SPEAKER pro tempore. The gentleman from New Jersey will be charged.

Mr. BURGESS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the gentleman for yielding. I will keep my remarks very brief.

I thank the Congress of the United States for what it is going to do today. Especially I want to thank CAROLYN MALONEY and JERRY NADLER for the tremendous work they have done on this bill over the years from the very start. I want to thank Congressman Vito Fossella, who was also an original cosponsor of this. I want to thank the Speaker of the House, Ms. PELOSI, for doing so much to bring this bill forward, and also the Republican leader, who this summer managed to have this bill come up in a way that was not going to be disruptive at all.

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I want to thank all the members of the New York delegation. Most importantly, I want to thank the firefighters, the police officers, the construction workers, and all of those who came forward to answer the Nation's call on September 11. This is a great victory for the American people. It's a great victory for the Congress of the United States. And it sends a signal that we stand by those who come to our Nation's defense in time of trouble and, indeed, in time of war, because this was the first battle of the great war of the 21st century.

Mr. PALLONE. I have no further speakers, and I reserve the balance of my time.

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

This is an important bill. It's something that should have been done a long time ago. I credit a former New York fireman, Richard Lasky, who is now my fire chief in Lewisville, Texas, for helping me understand the importance of this bill as it has gone forward. It has been difficult. In my opinion, there were better ways to do this bill, but it's before us today.

Mr. GENE GREEN of Texas. Madam Speaker, we need to ensure that the first responders and individuals who were in the vicinity of the World Trade Center have access to the specialized medical treatment they need and that means ensuring these programs are properly funded.

H.R. 847 accomplishes that goal and I am proud to be a cosponser of this bill.

Mr. JOHNSON of Illinois. I find it appalling that a bill of this magnitude was amended in the Senate just hours before the House was asked to vote on it, with no Member having had the chance to review and deliberate on what we were voting on and enacting into law. When earlier versions of this bill were brought to the floor I had some major reservations and with no way to know if all of these were addressed I would not feel comfortable voting yes or no on this bill.

Mr. HOLT. Madam Speaker, I rise in support of the Senate amendment to the Zadroga 9/11 Health and Compensation Act of 2010. As a cosponsor of the House bill, I urge passage of this important bill.

Today, we have the opportunity to honor the rescue and recovery workers who served our nation after the devastating attacks at the World Trade Center on September 11, 2001 and, more important than empty honor, to provide for their care. My district suffered casualities that day and nine years later, the memory of that terrible day is still fresh in our minds.

Along with the victims of 9/11, there were thousands of rescue and recovery workers who came to the aid of our nation that day. These brave women and men rushed to Ground Zero to help the fallen and to participate in the clean-up effort without thinking about their health or safety. These workers were exposed to environmental hazards and have developed significant respiratory illnesses, chronic infections, and other medical conditions. Further, many first responders are only now being diagnosed with illnesses that are related to their exposure at Ground Zero.

This bill would create the World Trade Center Health Program (WTCHP) that would provide medical monitoring and treatment benefits to first responders and workers who were directly affected by the attacks. Additionally, the program would establish education and outreach programs and conduct research on physical and mental health conditions related to the 9/11 attacks. The WTCHP program would serve more than 75,000 survivors, recovery workers, and members of the affected communities.

Additionally, this bill provides long-term health care and compensation for thousands of responders and survivors. By passing this bill, we will be paying tribute to the sacrifice and courage of these women and men and we will be paying a debt. This bill will be paid for with a partnership with New York City and by reducing government procurement payments and the extension of fees for outsourcing companies.

Unfortunately, this bill is a weaker version of the bill that I cosponsored and that the House passed in September. The bill caps federal funding for health programs over five years and allows first responders only five years to file claims. Unfortunately, some put politics over these brave first responders. Although this bill is a reduced version of the original bill, we must honor the rescue and recovery workers by providing them with the much needed health care. We cannot let our first responders down.

Mr. RYAN of Wisconsin. Madam Speaker, I was absent for legislative business and missed rollcall vote 663 on December 21, 2010, and rollcall vote 664 on December 22, 2010. Had I been present, I would have voted ''yes'' on H.R. 6547, the Protecting Students from Sexual and Violent Predators Act, and ''no'' on rollcall vote 664 (H.R. 847).

The vote I wish to discuss is the bill H.R. 847, the James Zadroga 9/11 Health and Compensation Act. Without a doubt, Republicans and Democrats can agree that both the victims of the attacks on September 11, 2001, and the first responders who bravely served following the attacks deserve to be fairly treated and compensated. However, this bill would create a new health care entitlement, the World Trade Center Health Program, while also extending eligibility for compensation under the September 11th Victim Compensation Fund of 2001. As a result, had I been present, I would have voted against passage of the bill.

Since the terrorist attacks occurred nearly nine years ago, I have supported legislation to ensure that these individuals are cared for and receive access to the services they deserve. However, rather than working with Republicans to craft a bill which truly addressed the shortcomings in care provided to those directly impacted by the September 11th terrorist attacks, the Majority instead rushed this bill to the floor in the waning hours of the 111th Congress, refusing to allow an open debate or consider amendments.

The result is a deeply flawed bill. H.R. 847 creates yet another mandatory spending program—increasing spending by $4.2 billion dollars over 10 years—and paying for it by an excise tax on foreign manufacturers, an extension of Travel Promotion Act fees, and the extension of HI–B visa fees.

There is no doubt that we owe a debt of gratitude to those who came to the rescue of countless individuals following the attacks on September 11, 2001, but these provisions distort that noble goal. At a time when our budget

deficit is $1.3 trillion and our national debt stands at $13.8 trillion, we must accurately account for those programs that take priority. I remain hopeful that as the 112th Congress convenes, my colleagues and I can work together to reform some of my concerns with this proposal and truly provide the services these first responders deserve.

Mrs. MCCARTHY of New York. Madam Speaker, with the ninth anniversary of September 11th having passed, it is important to remember not only those who were lost that tragic day, but also the sense of purpose and togetherness that shined in the aftermath of, no doubt, one of the most difficult days in our nation's history. Heroic first responders deserve utmost recognition for selflessly digging through the ruins of Lower Manhattan in hope of finding survivors. The James Zadroga 9/11 Health and Compensation Act, a bill that I am proud to be an original cosponsor of, provides just that by extending and improving protections and services to individuals directly impacted by the terrorist attacks on September 11, 2001.

Since our inception, we, as a nation, have grown stronger by protecting and honoring the sacrifices of our citizenry. This legislation is the embodiment of that mantra. As a New Yorker, not a day passes without thought of the horrific attacks of September 11th, this legislation will no doubt go a long way to provide first-responders with peace of mind.

During House floor consideration and passage of the James Zadroga 9/11 Health and Compensation Act on Wednesday, I was unavoidably absent from Washington due to a family health emergency. I have had the privilege of working closely with my New York colleagues in both the House and Senate on this legislation, and I am extraordinarily happy that the Congress was able to pass this bill before the adjournment of the 111th Congress.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of legislation that would help thousands of first responders who were exposed to hazardous health conditions in the aftermath of the September 11th attacks.

Many first responders bravely answered the call of duty and rushed to the scene of the attacks. While they were helping out the victims, the responders unknowingly were exposed to long-term physical and mental health problems due to the residual dust, toxins, and chemicals from the attacks. Congress and the federal government have an obligation and a responsibility to care and help those who responded to the September 11th attacks.

Madam Speaker, let us not forget the sacrifice and service of those brave individuals who responded to one of the worst attacks in American history. I am pleased that my colleagues in the Senate were able to come to a bipartisan agreement on this bill. I urge my House colleagues to support this legislation so that the thousands of 9/11 responders can get the help they need.

Mr. RANGEL. Madam Speaker, I rise today, nine years after the tragic events of September 11, to recognize the passage of a bill that will allow the first responders who rushed to the scene that day to now be able to get the health care resources they need.

Today, both the U.S. House of Representatives and the Senate approved an amended version, the James Zadroga 9/11 Health and Compensation Act that would provide medical treatment for the ailing first responders and recovery workers who were exposed to toxic dust following the collapse of the Twin Towers in New York City on September 11, 2001.

This victory is for what is right; a long overdue thank you to those who rushed in to help after what was one of our nation's biggest tragedies. After nine long years, these unsung heroes and their families no longer have to worry about how they are going to get the care and resources they so desperately need.

The Zadraga bill originally passed the House in September, but had been held up in the Senate due to various partisan concerns. It now goes to President Barack Obama, who is expected to sign the bill into law before the end of the holiday season.

This should have never been about the money, but about what we should do to honor those who thought of their country first and not themselves. They answered the call when their country needed them and we are all a better nation for it.

Thanks to the hard work of so many people—from legislators, like our Mayor Michael Bloomberg, the New York Congressional Delegation and House Leadership, to the NYS AFL–CIO President Dennis Hughes, the 32nd Fire Commissioner Salvatore Cassano and the countless union officials and 911 families that traveled to Washington to lobby on the bill's behalf—these patriotic Americans can spend the holiday seasons with some peace of mind.

What the law would do: Under an agreement worked out by New York Senators CHARLES SCHUMER and KRISTEN GILLIBRAND, the James Zadroga 9/11 Health and Compensation Act would: provide a total of $4.3 billion in funding for the health and compensation titles of the bill; cap federal funding for the health program over five years at $1.5 billion (New York City will contribute 10% of the cost). Any funds not spent in the first five years may be carried over and expended in the sixth year of the program; reopen the Victim Compensation Fund (VCF) for five years to file claims, with payments to be made over six years. Fund the VCF at $2.8 billion for six years, with $.8 billion available for payments in the first five years and $2.0 billion available for payment in year six. Claims will be paid in 2 installments—one payment in the first five years, and a second payment in the sixth year of the program; the pay for the House-passed version of the bill has been replaced by a 2 percent fee on government procurement from foreign companies located in non-GPA countries and a one-year extension of H–B 1 and L–1 Visa fees for outsourcing companies. These are estimated by CBO to collect $4.59 billion over the 10-year scoring period for the bill.

Others changes made in the bill to address Republican concerns: requiring that the Centers of Excellence report claims data to HHS so that costs and utilization of services can be fully monitored; specifying the non-treatment services furnished by Centers of Excellence to be funded under the health program (e.g., outreach, social services, data collection, and development of treatment protocols); authorizing the World Trade Center Program Administrator to designate the Veteran's Administration as a provider for WTC health services; directing the Special Master to develop rules to implement the VCF within 180 days of passage of the legislation.

Mr. ACKERMAN. Madam Speaker, I rise yet again in the strongest possible support of the 9/11 Health and Compensation Act, H.R. 847.

Today, we must show the American people that their representatives can put away their differences and work together to pass this bill. Over the past few weeks, this clearly was not the case. Some Members of Congress have played political games with this legislation, delaying its passage for dubious reasons and causing the measure to be watered down. The sick and injured don't care about offsets and they don't care whether this is a $6 billion bill or a $7 billion bill. They just care about getting the medical care they need, the medical care they rightly deserve.

So Madam Speaker, we are here for the third and I hope final time on the floor of the House to consider doing the decent thing: helping the living victims of 9/11 who continue to suffer the terrible effects of that day. The Federal Government has not stepped up enough to help the responders, volunteers, workers and residents that went to Ground Zero during and after the horrific 9/11 attack. This Congress has not acted to help these victims on a permanent basis—we have the opportunity to do that today. Tragically, some of the very people that we want to help with this legislation have already died. Thousands of Americans who responded need medical treatment now. Thousands more will need treatment in the future.

So, Madam Speaker, I urge all my colleagues to support the 9/11 Health and Compensation Act so that all the victims of 9/11 will receive the medical care and help they need and deserve. Let's pass this bill.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in full support of H.R. 847, the James Zadroga 9/11 Health and Compensation Act. This bill will provide the needed assistance to the brave men and women who have become ill due to the dangerous toxins they inhaled while risking their lives to help out the city of New York during that tragic time in September of 2001. This is a bipartisan bill and should be supported by all Members of Congress.

These heroes risked their lives to assist their fellow Americans and their efforts will never go unnoticed. This bill will allow health benefits to a wide range of first responders such as firefighters, construction workers, residents, area workers and even school children—all of whom have been affected by the toxins that filled the air after the attack on the World Trade Center in 2001.

We all witnessed the terrible attacks on America, September 11, 2001 and we also witnessed the acts of bravery by our first responders. I support the passage of the 9/11 Health and Compensation Act.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of the James Zadroga 9/11 Health and Compensation Act. Every American remembers the day the Twin Towers fell and the unparalleled heroism of the first responders who saved countless lives without any regard for their own. They showed courage in the face of terror and strength in a path of destruction. Too many of these brave men and women didn't make it out of the wreckage in time. Those who did returned every day for months, sifting through rubble, recovering victims and restoring order to Ground Zero with little consideration for their own welfare or safety.

Tragically, many of these selfless workers are now suffering chronic, disabling health conditions as a direct result of injuries or toxic exposure sustained at the site. The bill before

us creates a program to provide medical services and health monitoring for first responders and others who have medical conditions related to the September 11 terrorist attacks. Madam Speaker, I strongly urge my colleagues to support this measure and finally show these heroes the same honor and respect they showed us, our families, our friends and our country.

Mr. PASCRELL. Madam Speaker, I am proud to say that we are finally doing the right thing to support our heroes from 9/11. The agreement we have here today is much less than we originally hoped for—but more than four and a half years after the death of NYPD Det. James Zadroga—I am here to say that we need to pass the James Zadroga 9/11 Health and Compensation Act right now because we are losing these brave souls as we speak.

I'm sad to say its now been nine years since 9/11 and it has taken this long to pass the James Zadroga 9/11 Health and Compensation Act—nine years is too long to wait and watch as our first responders from that day continue to suffer physically and emotionally—nine years is late, BUT its not too late to do the right thing. We need to pass this bill and we need to pass it now. Nine years ago we gave those brave souls the 'all clear' sign, but we now know that we were exposing those men and women to a poisonous dust that would stay with them for the rest of their lives.

I am proud to say that we found a way to pay for this bill so that we can do the right thing for our 9/11 workers AND for our children who will bear the debt of the decisions we make today.

Let me be clear, this isn't just a bill for New York and New Jersey—this is a bill for all Americans. We know that people from all 50 states were in lower Manhattan on or after 9/11 and now are facing serious health concerns—there are 435 Congressional Districts and 431 of them are represented by the names of constituents on the World Trade Center Health Registry.

After 9/11 we all said we would be there for these brave first responders—but today if we vote against this bill we are asking those same brave individuals to come to Washington, year after year to fight for their health benefits—do we expect them to come here ten years from now? By then it may be too late for many of these men and women who responded to their nation's call of duty.

I urge all my colleagues to support the James Zadroga 9/11 Health and Compensation Act—once and for all let us stand up for these brave Americans.

Mrs. LOWEY. Madam Speaker, today the House will consider the James Zadroga 9/11 Health and Compensation Act.

More than 70,000 Americans from every state descended upon ground zero to help recover and rebuild after 9/11. Some have died from illnesses as a result and more than 17,000 who are ill lack the care they need.

Just as we provide medical care for our troops, we must care for those who heroically responded.

Passage of the James Zadroga 9/11 Health and Compensation Act is a milestone for our nation, as we finally fulfill our obligation to those who sacrificed so much for us. Our nation owes a debt of gratitude that can never be fully repaid to the September 11 responders who died or were sickened as a result of their brave and selfless actions.

Nearly all of us represent a responder, and almost nine years later, have a duty to do what is right—vote for this bill today.

Mr. BURGESS. I yield back the balance of my time and urge support of the bill.

Mr. PALLONE. Madam Speaker, I would urge passage of this bill and send it to the President.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of today, the previous question is ordered.

The question is on the motion by the gentleman from New Jersey (Mr. PALLONE).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 60, not voting 168, as follows:

[Roll No. 664]

YEAS—206

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baldwin
Barrow
Bean
Berkley
Bilbray
Bishop (GA)
Bishop (NY)
Blunt
Boren
Boswell
Boucher
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Clarke
Cleaver
Clyburn
Cole
Connolly (VA)
Conyers
Costa
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
DeGette
DeLauro
Dent
Dicks
Dingell
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Grijalva
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kanjorski
Kaptur
Kildee
Kind
King (NY)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (NY)
Levin
Lewis (GA)
LoBiondo
Loebsack
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Nadler (NY)
Napolitano
Nye
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Perriello
Peters
Pingree (ME)
Platts
Polis (CO)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Richardson
Rogers (AL)
Rooney
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Sutton
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wilson (OH)
Wolf
Woolsey
Yarmuth

NAYS—60

Akin
Alexander
Bachmann
Bachus
Bartlett
Bilirakis
Bishop (UT)
Boozman
Brady (TX)
Cantor
Cassidy
Coffman (CO)
Conaway
Diaz-Balart, M.
Ehlers
Fleming
Foxx
Franks (AZ)
Goodlatte
Graves (GA)
Guthrie
Hall (TX)
Hensarling
Herger
Hoekstra
Inglis
Jenkins
Jordan (OH)
King (IA)
Kingston
LaTourette
Latta
Lewis (CA)
Lummis
Manzullo
McClintock
McCotter
Mica
Miller (FL)
Myrick
Olson
Paulsen
Posey
Rehberg
Rogers (KY)
Royce
Scalise
Schmidt
Sessions
Shuster
Smith (NE)
Stutzman
Taylor
Terry
Tiahrt
Upton
Walden
Whitfield
Wilson (SC)
Wittman

NOT VOTING—168

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Baird
Barrett (SC)
Barton (TX)
Becerra
Berman
Berry
Biggert
Blackburn
Blumenauer
Boccieri
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Bonner
Bono Mack
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Carter
Childers
Chu
Clay
Coble
Cohen
Cooper
Costello
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
Delahunt
Deutch
Diaz-Balart, L.
Djou
Doggett
Duncan
Ellsworth
Fallin
Filner
Flake
Forbes
Fudge
Gallegly
Garamendi
Giffords
Gingrey (GA)
Gohmert
Granger
Graves (MO)
Green, Gene
Griffith
Gutierrez
Harman
Harper
Hastings (WA)
Heller
Herseth Sandlin
Hill
Hinojosa
Hodes
Honda
Hunter
Issa
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kennedy
Kilpatrick (MI)
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Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
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Lipinski
Lofgren, Zoe
Lucas
Luetkemeyer
Mack
Marchant
Markey (CO)
McCarthy (CA)
McCarthy (NY)
McCaul
McHenry
McIntyre
McKeon
McMorris Rodgers
Melancon
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Neal (MA)
Neugebauer
Nunes
Oberstar
Ortiz
Pastor (AZ)
Paul
Pence
Perlmutter
Peterson
Petri
Pitts
Poe (TX)
Pomeroy
Price (GA)
Putnam
Radanovich
Reyes
Rodriguez
Roe (TN)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rush
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schock
Schrader
Sensenbrenner
Shadegg
Shimkus
Shuler
Simpson
Smith (TX)
Smith (WA)
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Thornberry
Tiberi
Wamp
Waters
Welch
Westmoreland
Wu
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). 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 proceedings is in violation of the rules of the House.

□ 1736

Mr. TERRY and BACHUS changed their vote from ''yea'' to ''nay.''

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 for:

Mr. BACA. Madam Speaker, I was absent on Wednesday, December 22, 2010. I had legislative business in the district. Had I been present, I would have voted in support of the Motion to Concur in the Senate Amendment to H.R. 847—James Zadroga 9/11 Health and Compensation Act.

Ms. CHU. Madam Speaker, I was absent on December 22, 2010. Had I been present, I would have voted ''yes'' on H.R. 847—James Zadroga 9/11 Health and Compensation Act.

Mr. BRALEY of Iowa. Madam Speaker, I regret missing floor votes on today, December 22, 2010 due to travel. If I was present, I would have voted: ''yea'' on rollcall 664, motion to concur in the Senate Amendment to H.R. 847—James Zadroga 9/11 Health and Compensation Act.

Ms. LEE of California. Madam Speaker, today I missed rollcall vote 664 on H.R. 847. Had I been present I would have voted ''aye.''

Ms. HERSETH SANDLIN. Madam Speaker, I regret that I was unable to participate in one vote on the floor of the House of Representatives today.

The vote was the Motion to Concur in the Senate Amendment to H.R. 847—James Zadroga 9/11 Health and Compensation Act. Had I been present, I would have voted ''yea'' on that question.

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent for votes in the House Chamber today. I would like the record to show that, had I been present, I would have voted ''yea'' on rollcall vote 664.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, unfortunately, I was unable to be present in the Capitol for votes on today, December 22, 2010. However, had I been present, I would have voted as follows: ''yea'' on H.R. 847—the James Zadroga 9/11 Health and Compensation Act.

Mr. FILNER. Madam Speaker, on rollcall 664, I was away from the Capitol. Had I been present, I would have voted ''yea.''

Mrs. MILLER of Michigan. Madam Speaker, on rollcall No. 664, had I been present, I would have voted ''yes.''

Mr. BECERRA. Madam Speaker, on Wednesday, December 22, 2010, I missed rollcall No. 664. If present, I would have voted ''yea.''

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on Wednesday, December 22, 2010, I requested and received a leave of absence for the rest of the week.

Below is how I would have voted on the following vote I missed during this time period.

On rollcall 664, H.R. 847, to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, I would have voted ''yes.''

Mr. GENE GREEN of Texas. Madam Speaker, I would have voted ''aye'' on the Senate amendment to H.R. 847, the James Zadroga 9/11 Health and Compensation Act.

Stated against:

Mrs. BIGGERT. Madam Speaker, on rollcall No. 664 I was absent. Had I been present, I would have voted ''no.''

Mr. DAVIS of Kentucky. Madam Speaker, on Wednesday, December 22, 2010, I was absent for one vote. Had I been present I would have voted on rollcall No. 664—''no''—Motion to concur in the Senate amendment to H.R. 847, James Zadroga 9/11 Health and Compensation Act.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately I was not able to be in Washington, DC today to vote on the motion to concur in the Senate Amendment to H.R. 847.

Had I been in Washington for this vote, I would have voted ''present.''

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2010

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 372) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 372

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 ''Whistleblower Protection Enhancement Act of 2010''.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking ''a violation'' and inserting ''any violation''; and

(B) by adding ''except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,'' after ''regulation,''; and

(2) in subparagraph (B)(i)—

(A) by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(B) by adding ''except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,'' after regulation,''.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or (D)'' after ''section 2302(b)(8)'' or ''(b)(8)'' each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting ''or protected activity'' after ''disclosure'' each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

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

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) with regard to remedying a violation of any other law, rule, or regulation;''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—

(1) IN GENERAL.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ''.

(2) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(B) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

''(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case''.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).'' each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2010, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).''.

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2010, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in

section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b) (1), (8), and (9);

''(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.
''2305. Responsibility of the Government Accountability Office.
''2306. Coordination with certain other provisions of law.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term ''agency'' has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term ''applicant'' means an applicant for a covered position;

(3) the term ''censorship related to research, analysis, or technical information'' means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term ''covered position'' has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term ''employee'' means an employee in a covered position in an agency; and

(6) the term ''disclosure'' has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).''.

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(2) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent

such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under paragraph (1)—

(i) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 40 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2009 through the end of the fiscal year 2009.

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) In this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

''(A) the prohibited personnel practice is alleged to have been committed; or

''(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

''(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

''(3) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

''(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

''(4) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment —

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a)(1) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

''(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action; and

''(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

''(i) under standard applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

''(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which a request for that corrective action has been duly submitted; or

''(II) the case—

''(aa) consists of multiple claims;

''(bb) requires complex or extensive discovery;

''(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

''(dd) involves a novel question of law.

''(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

''(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

''(i) a motion requesting a certification was denied; and

''(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

''(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

''(C) The reviewing court's decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(7) In any action filed under this subsection—

''(A) the district court shall have jurisdiction without regard to the amount in controversy;

''(B) at the request of either party, such action shall be tried by the court with a jury;

''(C) the court—

''(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate under subsection (g), except—

''(I) relief for compensatory damages may not exceed $300,000; and

''(II) relief may not include punitive damages; and

''(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

''(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

''(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

''(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

''(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by adding ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) any communication that complies with subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App);''.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency of which that employee is employed.'';

(2) in subsection (c), by striking ''intelligence committees'' and inserting ''appropriate committees'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''either or both of the intelligence committees'' and inserting ''any of the appropriate committees''; and

(B) in paragraphs (2) and (3), by striking ''intelligence committees'' each place that term appears and inserting ''appropriate committees'';

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''intelligence''; and

(ii) in subparagraph (B), by inserting ''or an activity involving classified information'' after ''an intelligence activity''; and

(B) by striking paragraph (2), and inserting the following:

''(2) The term 'appropriate committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term 'appropriate committees' means the committees of appropriate jurisdiction.''.

SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

''(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

''(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

''(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

''(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

''(i) about prohibitions on retaliation for protected disclosures; and

''(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

''(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

''(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

''(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

''(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''section 3(d)(1)'' and inserting ''section 3(d)(1)(A)''; and

(2) by striking ''section 3(d)(2)'' and inserting ''section 3(d)(1)(B)''.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303A. Prohibited personnel practices in the intelligence community

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

''(2) the term 'intelligence community element'—

''(A) means—

''(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

''(B) does not include the Federal Bureau of Investigation; and

''(3) the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policy-making, or policy-advocating character).

''(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

''(1) a violation of any law, rule, or regulation, except for an alleged violation that—

''(A) is a minor, inadvertent violation; and

''(B) occurs during the conscientious carrying out of official duties; or

''(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

''(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

''(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

''(2) repeal section 2303; or

''(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303A. Prohibited personnel practices in the intelligence community.''.

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not'' and inserting ''Except as otherwise provided, not'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2010—

''(A) developing policies and procedures that permit, to the extent practicable, individuals who challenge in good faith a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

''(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

''Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

''(A) for an independent and impartial fact-finder;

''(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

''(C) that the employee or former employee may be represented by counsel;

''(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

''(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

''(i) the employee and the agency concerned agree to an extension; or

''(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

''(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

''(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

''(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

''(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination because of—

''(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(C) any communication that complies with—

''(i) subsection (a)(1), (d), or (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subsection (d)(5)(A), (D), or (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

''(iii) subsection (k)(5)(A), (D), or (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h);

''(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

''(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs.

''(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

''(3) DISCLOSURES.—

''(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

''(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

''(ii) the disclosure revealed information that had been previously disclosed;

''(iii) of the employee's motive for making the disclosure;

''(iv) the disclosure was not made in writing;

''(v) the disclosure was made while the employee was off duty; or

''(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

''(4) AGENCY ADJUDICATION.—

''(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

''(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

''(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

''(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) DEFINITION.—In this paragraph, the term 'Board' means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2010.

''(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

''(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

''(D) REVIEW.—The Board's review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

''(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

''(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder's opportunity to see and hear the witnesses.

''(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

''(H) REMEDIES.—

''(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

''(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee's security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

''(I) CONGRESSIONAL NOTIFICATION.—

''(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

''(I) the Committee on Homeland Security and Government Affairs of the Senate;

''(II) the Select Committee on Intelligence of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives;

''(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board's recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

''(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

''(A) agency action under this section; or

''(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2010.

''(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.''.

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

''(9) The term 'access determination' means the process for determining whether an employee—

''(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

''(B) possesses a need to know under that Order.''.

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this section for the head of the establishment apply to the recipient of the Inspector General's transmission. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Review Act of 2010 regarding all transmissions under this paragraph.'';

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

''(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.''.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)''; and

(B) by adding at the end the following:

''(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case the requirements of this subsection for the Director apply to the recipient of the Inspector General's submission; and''; and

(2) by adding at the end the following:

''(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.''.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional oversight committees'' means the—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term ''intelligence community element''—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence committee, which shall be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply to adverse security clearance or access determinations if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403–1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403–4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Madam Speaker, I have an amenment at the desk.

The Clerk read as follows:

Amendment offered by Mr. VAN HOLLEN:

Page 36, strike line 20 and all that follows through page 68, line 23.

Page 69, line 1, strike ''**TITLE III**'' and insert ''**TITLE II**''.

Page 69, line 3, strike ''**SEC. 301.**'' and insert ''**SEC. 201.**''.

Page 69, line 7, strike ''**SEC. 302.**'' and insert ''**SEC. 202.**''.

The amendment was agreed to.

Mr. TOWNS. Madam Speaker, as Chairman of the Committee on Oversight and Government Reform, I rise in strong support of S. 372, the Whistleblower Protection Enhancement Act of 2010.

I want to congratulate Senator AKAKA and the other Senate sponsors of S. 372 for their efforts. I commend the persistence they have demonstrated in championing this good government bill.

I'm proud to be an original co-sponsor of H.R. 1507, the bipartisan companion bill to S. 372. H.R. 1507 was introduced by Representative VAN HOLLEN last year. I want to thank Mr. VAN HOLLEN and all the co-sponsors of H.R. 1507, including Mr. PLATTS of Pennsylvania. They have demonstrated exceptional leadership in support of government whistleblowers.

This legislation is long overdue. Different versions of this legislation have been introduced in every Congress for the last 12 years.

The Oversight Committee has long-recognized that enhancing whistleblower protections will help the Congress to fulfill its role in bringing about more honest, accountable, and effective government for the American people.

Federal employees are often the first to witness abuses or misconduct that presents a risk to the taxpayers. Providing strong protections for those who disclose misconduct helps to promote a more accountable and transparent federal bureaucracy. This legislation provides a means of securing justice to those individuals who are punished for doing the right thing.

During Committee hearings on this legislation, we heard from courageous government workers who risked their careers to promote the common good.

Mr. Franz Gayl, a civilian employee in the Marine Corps, testified about the retaliation he faced. Mr. Gayl blew the whistle on significant delays in the acquisition process—delays that were costing Marines their lives in Iraq. Defense Secretary Gates ultimately agreed with the proposals put forth by Mr. Gayl on troop protection. However, Mr. Gayl remains at risk of losing his job. This bill will help Mr. Gayl, and many others like him.

We have heard from dozens of whistleblowers who support this bill. I want to acknowledge one in particular. Mr. Robert Maclean is a former Federal Air Marshal who was fired after disclosing a threat to aviation safety. Mr. MacLean's case has been lingering for far too long under the current system. He has championed this bill because he knows first hand that the current system is broken. I thank him for his efforts on behalf of the country.

As many of you remember, the House of Representatives passed similar legislation by a 331–94 vote in the 110th Congress. The House also unanimously passed whistleblower protections as an amendment to the Recovery Act at the beginning of this Congress. Unfortunately, that amendment was stripped out in conference with the Senate.

After a long process in the Senate, this bill comes before the House for a third time. I am pleased the House-Senate compromise we are considering includes important provisions from the House bill. For the first time, the bill will allow Federal workers the right to a jury trial in Federal Court under some circumstances.

The legislation we're considering today is a good compromise. However, I'm disappointed that the Senate did not agree to extend similar

whistleblower protections to government contractors.

I am also disappointed that we could not come to an agreement with the Republican side on extending protections to employees in the Intelligence Community.

In spite of the bill's imperfections and limitations, I wholeheartedly endorse this agreement. This is a good government bill that will help to curb waste, fraud, and abuse in the Federal Government.

I encourage the Senate to act quickly on our modifications, and send the bill to President Obama without further delay.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of S. 372, the Whistleblower Protection Enhancement Act of 2010.

I would like to thank Senator AKAKA, and the other Senators who have worked so hard to advance this bill to provide stronger whistleblower protections. This effort has spanned over a decade, and I am hopeful that it will come to a successful conclusion today.

Whistleblower protections are a critical component in bringing about a more effective and accountable government. As the Congress considers proposals to address the deficit, our work needs to be pursued on numerous fronts. Whistleblowers risk their careers to challenge abuses, and gross waste of government resources. They deserve to be protected so they can carry out their important work conscientiously, and with the taxpayers best interests in mind.

By providing new rights, remedies, and protections for government whistleblowers, this bill takes an important step toward curbing waste, fraud, and abuse. This will aid our deficit reduction efforts.

S. 372, as passed by the Senate, reflects a bipartisan compromise between the original Senate bill and H.R. 1507, legislation I sponsored with Representatives PLATTS, Chairman TOWNS, and Representatives WAXMAN and BRALEY.

The Oversight and Government Reform Committee has reported similar legislation, on a bipartisan basis, in each of the last two Congresses. The House of Representatives has twice passed similar bills, once in 2007 with 331 votes and again as a bipartisan amendment to the Recovery Act.

Unfortunately, H.R. 1507 was stripped out of the Recovery Act during the conference with the Senate.

Over the course of the last two years, we have worked with the Obama administration and the Senate to work out a compromise that retains the core protections for federal workers and national security personnel that were included in bills passed by the House in 2007 and 2009.

The bill before us today restores Congress' intent to protect an employee for any lawful disclosure of waste, fraud, abuse, or illegality. S. 372 addresses several court decisions that have limited the protections Congress made available to federal employees under the 1989 Whistleblower Protection Act. These decisions quite frankly have gutted the protections available to federal employees.

This bill provides the opportunity for whistleblower cases before the Merit Systems Protection Board to be reviewed by all of the Federal Circuits. Moreover it provides an opportunity for certain cases to receive jury trials. This expansion of opportunity for judicial review is critical. While I would have preferred broader criteria for review and that this enhanced judicial review be made permanent, I have reluctantly accepted the changes made by the Senate to narrow the circumstances under which cases can receive judicial review and to sunset these provisions in 5 years.

This legislation also protects federal employees for disclosures related to distortions of government science and extends to employees of the Transportation Security Administration.

S. 372 is a good bipartisan, bicameral compromise, and should be sent to the President without further delay. This bill, as passed by the Senate, included important protections for national security employees. These provisions had been included with significant input from the national security community and passed the Senate by unanimous consent. Unfortunately, jurisdictional disputes within the House have prompted us to remove these protections in the interest of passing the rest of these essential reforms. I regret the loss of these provisions and look forward to working with incoming Chairman ISSA to advance these protections for national security employees in the next Congress.

I want to thank my cosponsor and partner on this bill, TODD PLATTS for his assistance and strong leadership. I also want to thank Chairman TOWNS and Ranking Member ISSA for their strong support throughout this Congress to advance this important legislation.

I'll close by simply noting that this legislation is long overdue. Without whistleblowers and the unfiltered information that government insiders can provide, the oversight functions vested in Congress would be seriously compromised, as would our efforts to rein in the federal budget deficit. I encourage all Members to support this important bill.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of the S. 372, the ''Whistleblower Protection Enhancement Act of 2010.''

S. 372 amends the Whistleblower Protection Act (WPA) and strengthens the rights and protections of Federal employees who come forward to disclose government waste, fraud, abuse, and mismanagement. The House has passed similar legislation on a bipartisan basis in 2007 (H.R. 985) and 2009, as an amendment to the Recovery Act.

I am a staunch advocate for protecting Federal employees from retaliation when they come forward to disclose waste, fraud, abuse and mismanagement. Whistleblowers are among the most patriotic and conscientious Federal employees. They take great risks to make certain that our Federal Government is functioning properly and effectively for all taxpayers. They serve as indispensable guardians for the efficient use of taxpayer funds. This is an especially valuable service during this vital period of national economic recovery.

Unhindered exposure of waste, fraud and abuse identifies expensive break-downs in the functioning of our Federal Government while also preserving the Federal funds we require to effectively serve our citizens. In some instances, conscientious whistleblowers protect others from harm and actually save lives. So, we must protect these attentive Federal employees who expose systemic lapses and protect the integrity and proper functioning of our Federal Government.

Discrimination and retaliation against Federal employees contravenes Federal law, puts the public at risk, and costs taxpayers millions of dollars. Retaliation and discrimination also breed a myriad of other costs that cannot be quantified in the toll exacted on the health, morale, and well-being of Federal employees who are entrusted to protect and serve our Nation. Federal managers and supervisors who engage in discriminatory conduct must be judiciously and expeditiously disciplined.

S. 372, the ''Whistleblower Protection Enhancement Act of 2010'' enhances the protection of Federal employees. It restores Congress' intent to protect an employee who makes any lawful disclosure of waste, fraud, abuse, or illegality. S. 372 addresses court decisions that have limited the protections Congress made available to Federal employees under the 1989 Whistleblower Protection Act.

This legislation will improve the administration of justice. It will allow non-intelligence whistleblowers to bring their cases before a jury under certain circumstances. The current administrative system will be further strengthened by allowing a limited number of more complex whistleblower cases to be considered in Federal court by juries. The bill also will allow whistleblower appeals to be heard by the regional Federal appellate courts.

This bill further expands upon the protections for Federal employees in additional necessary and meaningful ways. It extends whistleblower protections to employees at the Transportation Security Administration. It clarifies that whistleblowers may disclose evidence of censorship of scientific or technical information under the same standards that apply to disclosures of other kinds of waste, fraud, and abuse. It enhances protections for employees facing retaliation after refusing to violate the law or participating in an Inspector General investigation.

This legislation will codify and strengthen rules that preempt agencies from issuing regulations or directives that interfere with whistleblower protections. I am also pleased to say, that for the first time, S. 327 will make compensatory damage awards available to whistleblowers. This is a key component in ensuring a whistleblower is made whole after suffering retaliation. This bill will also make it easier for the Office of Special Counsel to discipline agency managers who are found to retaliate against employees.

It is my fervent expectation that this legislation will meaningfully advance our national integrity by deterring Federal managers from violating the civil rights and civil liberties of their fellow Federal workers, especially whistleblowers.

I ask my colleagues to stand with me today and vote in favor of S. 327.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4058. An act to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure.

□ 1740

SUPPORTING OLYMPIC DAY

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1461) supporting Olympic Day on June 23, 2010, and congratulating Team USA and World Fit participants, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1461

Whereas Olympic Day, June 23, 2010, celebrates the Olympic ideal of developing peace through sport;

Whereas June 23 marks the anniversary of the founding of the modern Olympic movement, the date on which the Congress of Paris approved the proposal of Pierre de Coubertin to found the modern Olympics;

Whereas for more than 100 years, the Olympic movement has built a more peaceful and better world by educating young people through amateur athletics, by bringing together athletes from many countries in friendly competition, and by forging new relationships bound by friendship, solidarity, and fair play;

Whereas the United States advocates the ideals of the Olympic movement;

Whereas Olympic Day will encourage the development of Olympic and Paralympic sport in the United States;

Whereas Team USA won an historic 37 medals at the Vancouver 2010 Olympic Winter Games;

Whereas Team USA won 13 medals at the Vancouver 2010 Paralympic Winter Games;

Whereas the USOC Paralympic Military Program provides post-rehabilitation support and mentoring to members of the United States Armed Forces who've sustained physical injuries such as traumatic brain injury, spinal cord injury, amputation, visual impairment or blindness, and stroke;

Whereas Olympic Day encourages the participation of youth of the United States in Olympic and Paralympic sport;

Whereas World Fit, a program established by Olympians and Paralympians to promote physical fitness and a healthy lifestyle to middle school children and connect them with Olympic and Paralympic athletes and the Olympic Movement, helped 7,239 students from 17 schools in 6 States walk a total of 769,148 miles in 6 weeks during the 2010 program;

Whereas Olympic Day will encourage the teaching of Olympic history, health, arts, and culture among the youth of the United States; and

Whereas enthusiasm for Olympic and Paralympic sport is at an all-time high: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports Olympic Day and the goals that Olympic Day pursues;

(2) congratulates Team USA on their Vancouver 2010 accomplishments; and

(3) supports the goals of World Fit and congratulates its participants on the 2010 results.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VAN HOLLEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measures just considered.

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

There was no objection.

CLARIFYING THE NATIONAL CREDIT UNION ADMINISTRATION AUTHORITY

Mr. KLEIN of Florida. Madam Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (S. 4036) to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 4036

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

SECTION 1. STABILIZATION FUND.

(a) ADDITIONAL ADVANCES.—Section 217(c)(3) of the Federal Credit Union Act (12 U.S.C. 1790e(c)(3)) is amended by inserting before the period at the end the following: ''and any additional advances''.

(b) ASSESSMENTS.—Section 217 of the Federal Credit Union Act (12 U.S.C. 1790e) is amended by striking subsection (d) and inserting the following:

''(d) ASSESSMENT AUTHORITY.—

''(1) ASSESSMENTS RELATING TO EXPENDITURES UNDER SUBSECTION (B).—In order to make expenditures, as described in subsection (b), the Board may assess a special premium with respect to each insured credit union in an aggregate amount that is reasonably calculated to make any pending or future expenditure described in subsection (b), which premium shall be due and payable not later than 60 days after the date of the assessment. In setting the amount of any assessment under this subsection, the Board shall take into consideration any potential impact on credit union earnings that such an assessment may have.

''(2) SPECIAL PREMIUMS RELATING TO REPAYMENTS UNDER SUBSECTION (C)(3).—Not later than 90 days before the scheduled date of each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and shall determine whether the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund is not likely to have sufficient funds to make the repayment, the Board shall assess with respect to each insured credit union a special premium, which shall be due and payable not later than 60 days after the date of the assessment, in an aggregate amount calculated to ensure that the Stabilization Fund is able to make the required repayment.

''(3) COMPUTATION.—Any assessment or premium charge for an insured credit union under this subsection shall be stated as a percentage of its insured shares, as represented on the previous call report of that insured credit union. The percentage shall be identical for each insured credit union. Any insured credit union that fails to make timely payment of the assessment or special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.''.

SEC. 2. EQUITY RATIO.

Section 202(h)(2) of the Federal Credit Union Act (12 U.S.C. 1782(h)(2)) is amended by striking ''when applied to the Fund,'' and inserting ''which shall be calculated using the financial statements of the Fund alone, without any consolidation or combination with the financial statements of any other fund or entity,''.

SEC. 3. NET WORTH DEFINITION.

Section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)) is amended to read as follows:

''(2) NET WORTH.—The term 'net worth'—

''(A) with respect to any insured credit union, means the retained earnings balance of the credit union, as determined under generally accepted accounting principles, together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined;

''(B) with respect to any insured credit union, includes, at the Board's discretion and subject to rules and regulations established by the Board, assistance provided under section 208 to facilitate a least-cost resolution consistent with the best interests of the credit union system; and

''(C) with respect to a low-income credit union, includes secondary capital accounts that are—

''(i) uninsured; and

''(ii) subordinate to all other claims against the credit union, including the claims of creditors, shareholders, and the Fund.''.

SEC. 4. STUDY OF NATIONAL CREDIT UNION ADMINISTRATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the National Credit Union Administration's supervision of corporate credit unions and implementation of prompt corrective action.

(b) ISSUES TO BE STUDIED.—In conducting the study required under subsection (a), the Comptroller General shall–

(1) determine the reasons for the failure of any corporate credit union since 2008;

(2) evaluate the adequacy of the National Credit Union Administration's response to the failures of corporate credit unions, including with respect to protecting taxpayers, avoiding moral hazard, minimizing the costs of resolving such corporate credit unions, and the ability of insured credit unions to bear any assessments levied to cover such costs;

(3) evaluate the effectiveness of implementation of prompt corrective action by the National Credit Union Administration for both insured credit unions and corporate credit unions; and

(4) examine whether the National Credit Union Administration has effectively implemented each of the recommendations by the Inspector General of the National Credit Union Administration in its Material Loss Review Reports, and, if not, the adequacy of the National Credit Union Administration's reasons for not implementing such recommendation.

(c) REPORT TO COUNCIL.—Not later than 1 year after the date of enactment of this Act,

the Comptroller General shall submit a report on the results of the study required under this section to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Committee on Financial Services of the House of Representatives; and

(3) the Financial Stability Oversight Council.

(d) COUNCIL REPORT OF ACTION.—Not later than 6 months after the date of receipt of the report from the Comptroller General under subsection (c), the Financial Stability Oversight Council shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on actions taken in response to the report, including any recommendations issued to the National Credit Union Administration under section 120 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5330).

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

CELEBRATING 130 YEARS OF UNITED STATES-ROMANIAN DIPLOMATIC RELATIONS

Mr. KLEIN of Florida. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (S. Con. Res. 67) celebrating 130 years of United States-Romanian diplomatic relations, congratulating the Romanian people on their achievements as a great nation, and reaffirming the deep bonds of trust and values between the United States and Romania, a trusted and most valued ally, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

S. CON. RES. 67

Whereas the United States established diplomatic relations with Romania in June 1880;

Whereas the United States and Romania are two countries united by shared values and a strong commitment to freedom, democracy, and prosperity;

Whereas Romania has shown, for the past 20 years, remarkable leadership in advancing security and democratic principles in Eastern Europe, the Western Balkans, and the Black Sea region, and has amply participated to the forging of a wider Europe, whole and free;

Whereas Romania's commitment to meeting the greatest responsibilities and challenges of the 21st century is and has been reflected by its contribution to the international efforts of stabilization in Afghanistan and Iraq, its decision to participate in the United States missile defense system in Europe, its leadership in regional nonproliferation and arms control, its active pursuit of energy security solutions for South Eastern Europe, and its substantial role in shaping a strong and effective North Atlantic Alliance;

Whereas the strategic partnership that exists between the United States and Romania has greatly advanced the common interests of the United States and Romania in promoting transatlantic and regional security and free market opportunities, and should continue to provide for more economic and cultural exchanges, trade and investment, and people-to-people contacts between the United States and Romania;

Whereas the talent, energy, and creativity of the Romanian people have nurtured a vibrant society and nation, embracing entrepreneurship, technological advance and innovation, and rooted deeply in the respect for education, culture, and international cooperation; and

Whereas Romanian Americans have contributed greatly to the history and development of the United States, and their rich cultural heritage and commitment to furthering close relations between Romania and the United States should be properly recognized and praised: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) celebrates the 130th anniversary of United States-Romanian diplomatic relations;

(2) congratulates the Romanian people on their achievements as a great nation; and

(3) reaffirms the deep bonds of trust and values between the United States and Romania.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REMOVAL CLARIFICATION ACT OF 2010

Mr. JOHNSON of Georgia. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 6560) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H. R. 6560

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 ''Removal Clarification Act of 2010''.

SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL COURTS.

(a) CLARIFICATION OF INCLUSION OF CERTAIN TYPES OF PROCEEDINGS.—Section 1442 of title 28, 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.''.

(b) CONFORMING AMENDMENTS.—Section 1442(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''capacity for'' and inserting ''capacity, for or relating to''; and

(B) by striking ''sued''; and

(2) in each of paragraphs (3) and (4), by inserting ''or relating to'' after ''for''.

(c) APPLICATION OF TIMING REQUIREMENT.—Section 1446 of title 28, United States Code, is amended by adding at the end 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.''.

(d) REVIEWABILITY ON APPEAL.—Section 1447(d) of title 28, United States Code, is amended by inserting ''1442 or'' before ''1443''.

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 House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Mr. JOHNSON of Georgia. Madam Speaker, the Removal Clarification Act of 2010 will enable Federal officials—Federal officers, in the words of the statute—to remove cases filed against them to Federal court in accordance with the spirit and intent of the current Federal officer removal statute.

Under the Federal officer removal statute, 28 U.S.C. 1442(a), Federal officers are able to remove a case out of State court and into Federal court when it involves the Federal officer's exercise of his or her official responsibilities.

However, more than 40 States have pre-suit discovery procedures that require individuals to submit to deposition or respond to discovery requests even when a civil action has not yet been filed.

Courts are split on whether the current Federal officer removal statute applies to pre-suit discovery. This means that Federal officers can be forced to litigate in State court despite the Federal statute's contrary intent.

This bill will clarify that a Federal officer may remove any legally enforceable demand for his or her testimony or documents, if the basis for contesting the demand has to do with the officer's exercise of his or her official responsibilities. It will also allow for appeal to the Federal circuit court if the district court remands the matter back to the State court over the objection of the Federal officer.

When a similar bill passed the House in July, I explained that the bill will not result in the removal of the entire case when a Federal officer is merely served with a discovery request. The version of the bill we consider today reflects refinements proposed by the

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

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

I urge my colleagues to support this important legislation.

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

HONORING THE 50TH ANNIVERSARY OF THE FREEDOM RIDES

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

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1779

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

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

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

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

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

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

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

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

Whereas the Freedom Rides would spur the Kennedy Administration to enforce laws and judicial rulings that guaranteed the rights and safety of all passengers, regardless of race, gender, or religious background, to sit wherever they desired on bus routes and at rest stops: Now, therefore, be it

Resolved, That the House of Representatives—

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

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

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY OF TAX COURT TO APPOINT EMPLOYEES.

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

''(a) APPOINTMENT AND COMPENSATION.—

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

''(2) JUDGE-APPOINTED EMPLOYEES.—

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

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

''(3) OTHER EMPLOYEES.—The Tax Court may appoint necessary employees without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such employees shall be subject to removal by the Tax Court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

authorize the tax court to appoint employees.''.

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

There was no objection.

A motion to reconsider was laid on the table.

MAKING A TECHNICAL CORRECTION TO IMPLEMENT THE VETERANS EMPLOYMENT OPPORTUNITIES ACT

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

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1783

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

CLARIFYING FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER POLLUTION

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

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3481

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

SECTION 1. FEDERAL RESPONSIBILITY TO PAY FOR STORMWATER PROGRAMS.

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

''(c) REASONABLE SERVICE CHARGES.—

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

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

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

''(2) LIMITATION ON ACCOUNTS.—

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

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

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

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

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

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

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

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

While these numbers highlight the remaining need to improve the quality of the Nation's waters, they also demonstrate how this country's record on improving water quality is slipping—demonstrating a slight, but significant reversal of efforts to clean up the Nation's waters over the past 30 years.

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

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

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

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

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

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

likely that significant reductions in stormwater pollution can be achieved.

For example, in April 2010, the Regional Commissioner of the U.S. General Services Administration, GSA, rejected efforts by the District of Columbia Water and Sewer Authority, DCWASA, to collect an assessment under its Impervious Surface Area Billing Program for impervious surfaces under the control of GSA. According to DCWASA, this charge is a ''fair way to distribute the cost of maintaining storm sewers and protecting area waterways because it is based on a property's contribution of rainwater to the District's sewer system.''

S. 3481 amends section 313 of the Clean Water Act to clarify that ''reasonable service charges'' for addressing pollution from Federal facilities includes reasonable nondiscriminatory fees, charges, or assessments that are based on the proportion of stormwater emanating from the facility and used to pay (or reimburse) costs associated with any stormwater management program.

This is a simple effort to clarify, again, that the Federal Government bears a proportional responsibility for addressing pollution originating from its facilities, and should remain an active participant in improving the nation's water quality and the overall environment.

The intent of subsection (c)(2)(A) of Section 313 of the Clean Water Act, as added by S. 3481, is to ensure that there is no increase in mandatory spending pursuant to the U.S. Treasury's permanent authority to pay, without further appropriation, the water and sewer service charges imposed by the government of the District of Columbia. The reference in such section to ''any permanent authorization account in the Treasury'' refers to any account for which a permanent appropriation exists, such as the U.S. Treasury account entitled ''Federal Payment for Water and Sewer Services'', and does not imply that GSA's Federal Buildings Fund may not be used to make such payments.

In addition, the intent of subsection (c)(2)(B) of Section 313 of the Clean Water Act, as added by S. 3481, is to require that Congress make available, in appropriations acts, the funds that could be used to pay stormwater fees, but not that the appropriations act would need to state specifically or expressly that the funds could be used to pay these charges.

Nothing in S. 3481 affects the payment by the United States or any department, independent establishment, or agency thereof of any sanitary sewer services furnished by the sanitary sewage works of the District of Columbia through any connection thereto for direct use by the government of the United States or any department, independent establishment, or agency thereof. The rules for those payments are set forth in law, codified at section 34–2112 of the D.C. Code, and nothing in this bill amends or otherwise affects those rules.

Madam Speaker, this legislation has the strong support of several organizations representing state and local elected officials, including the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the International City/County Management Association. It also has been endorsed by the National Association of Clean Water Agencies, NACWA.

I urge my colleagues to join me in supporting S. 3481.

Ms. NORTON. Madam Speaker, I rise today in strong support of S. 3481 to amend the Federal Water Pollution Control Act, which clarifies that the Federal Government, like private citizens and businesses, must take responsibility for the pollution it produces. This bill is the Senate companion to my bill, H.R. 5724, cosponsored by my good friends from Virginia and Arizona, Representative JIM MORAN and Representative GABRIELLE GIFFORDS. The bill passed the Senate with strong bipartisan support because the Senate understood that this is simply an issue of fairness and equity to users and a matter of managing pollution and protecting the environment. In fact, this bill simply clarifies current law, that the Federal Government has a responsibility to pay its normal and customary fees assessed by local governments for managing polluted stormwater runoff from Federal properties, just as private citizens pay. The consequence of failing to pass this bill is that we give the Federal Government a free ride and pass its fees on to our constituents throughout the United States.

Section 313 of the Federal Water Pollution Control Act states, ''Each department, agency, or instrumentality . . . of the Federal Government . . . shall be subject to, and comply with all Federal, State, interstate, and local requirements . . . in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges.'' However, the Government Accountability Office issued letters to Federal agencies in the District of Columbia instructing them not to pay the District of Columbia's Water and Sewer Authority's, D.C. Water's, Impervious Area Charge. D.C. Water calculates the charges to manage stormwater runoff based on the amount of impervious land occupied by the landowner. Impervious surfaces, such as roofs, parking lots, sidewalks and other hardened surfaces are the major contributors to stormwater runoff entering the sewer system and local rivers, lakes and streams, causing significant amounts of pollutants to enter these waters. This bill clarifies that in my district and all other congressional districts, Federal agencies must continue to pay their utility fees instead of passing the fees to our constituents.

Nothing in this Act was intended to affect the payment by the United States or any department, independent establishment, or agency thereof of any sanitary sewer services furnished by the sanitary sewage works of the District through any connection thereto for direct use by the government of the United States or any department, independent establishment, or agency thereof. The rules for those payments are set forth in law codified at section 34–2112 of the D.C. Code and nothing in this Act amends or otherwise affects those rules. This bill requires that Congress make available, in appropriations acts, the funds that could be used to pay for stormwater management charges, but not that the appropriations act would need to state specifically or expressly that the funds could be used to pay these charges.

This bill is supported by The National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, the International City/County Management Associations, as well as the National Association of Clean Water Agencies. All of these national groups understand that stormwater management fees, without any exceptions, are necessary for managing and reducing water pollution caused by stormwater runoff. Moreover, they understand that many agencies in states and localities may stop paying their water and stormwater management fees if we do not act, putting even more financial burden on residents.

Federal law has mandated that these local governments must collect these fees. No exemption has been granted to Federal facilities. Please support S. 3481 to clarify the original intent of the law.

I urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in strong support of S. 3481, a bill that would clarify Federal responsibility for stormwater runoff from buildings, facilities, and lands owned or operated by the Federal government. This commonsense bill ensures that the Federal Government maintains its equitable responsibility for stormwater pollution runoff originating or emanating from its property.

I applaud the outstanding work of the sponsors of this legislation, the distinguished Senator from the State of Maryland (Mr. CARDIN), as well as the sponsor of the House companion for this bill, the Delegate from the District of Columbia (Ms. NORTON), for their efforts to move this legislation so quickly to the President's desk.

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

Existing section 313 of the Clean Water Act states that ''Each department, agency, or instrumentality . . . of the Federal Government . . . shall be subject to, and comply with, all Federal, State, interstate, and local requirements . . . including the payment of reasonable service charges.''

Unfortunately, over the past few months, Congress has learned of several Federal agencies, including some here in the Nation's Capital, that have made the determination that stormwater management fees are ''taxes'' for which the agencies have claimed sovereign immunity and have refused to pay.

This has left several State and local municipalities with the financial responsibility of addressing ongoing sources of pollution to the Nation's waters that any other private business, landowner, or homeowner would otherwise be responsible for paying.

Polluted runoff from urban areas is the fastest growing source of water pollution in America. As urbanization increases, impervious surfaces such as highways, roads, parking lots, and buildings replace non-impervious surfaces that absorb stormwater.

Runoff from impervious surfaces is a central cause of pollution for the Nation's waters, and is estimated to be the primary source of impairment for 13 percent of rivers, 18 percent of lakes, and 32 percent of estuaries in the United States. These are significant figures, especially given that urban areas cover only 3 percent of the land mass of the country.

Even here, in the Nation's Capital, pollution from stormwater runoff poses a significant

challenge to the quality of local receiving waters, and negatively impacts the overall environmental health of the Chesapeake Bay.

According to the Environmental Protection Agency, stormwater runoff from urban and suburban areas is ''a significant source of impairment to the Chesapeake Bay.'' According to Agency statistics, 17 percent of phosphorus, 11 percent of nitrogen, and 9 percent of sediment loads to the Bay come from stormwater runoff.

In addition, chemical contaminants from runoff can rival or exceed the amount reaching local waterways from industries, Federal facilities, and wastewater treatment plants.

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

S. 3481 amends section 313 of the Clean Water Act to clarify that ''reasonable service charges'' for addressing pollution from Federal facilities includes reasonable nondiscriminatory fees, charges, or assessments that are based on the proportion of stormwater emanating from the facility and used to pay (or reimburse) costs associated with any stormwater management program.

Madam Speaker, in the amendment to section 313 of the Clean Water Act, a provision was included to rectify a specific problem in the District of Columbia, where the U.S. Department of the Treasury has been paying some stormwater fees. The provision simply says that agencies and departments should use their annual appropriated funds to pay for stormwater fees. This is exactly what they all do today in paying for their drinking water and wastewater bills or any other utility bill. This new language requires that Congress make available, in appropriations acts, the funds that could be used for this purpose. It should not be interpreted as requiring appropriations act to state specifically or expressly that the funds could be used to pay these charges. The statutory language does not require this, and such a restrictive reading is not intended.

Madam Speaker, this legislation is a simple effort to clarify, again, that the Federal Government bears a proportional responsibility for addressing pollution originating from its facilities, and should remain an active participant in improving National water quality and the overall environment.

I urge passage of this bill.

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

HELPING HEROES KEEP THEIR HOMES ACT OF 2010

Mr. PERRIELLO. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4058) to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 4058

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 ''Helping Heroes Keep Their Homes Act of 2010''.

SEC. 2. EXTENSION OF ENHANCED PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURE UNDER SERVICEMEMBERS CIVIL RELIEF ACT.

Paragraph (2) of section 2203(c) of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) is amended—

(1) by striking ''December 31, 2010'' and inserting ''December 31, 2012''; and

(2) by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

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

LEASE AUTHORIZATION FOR OHKAY OWINGEH PUEBLO

Mr. LUJÁN. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3903) to authorize leases of up to 99 years for lands held in trust for Ohkay Owingeh Pueblo, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 3903

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

SECTION 1. OHKAY OWINGEH PUEBLO LEASING AUTHORITY.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting ''and lands held in trust for Ohkay Owingeh Pueblo'' after ''of land on the Devils Lake Sioux Reservation,''.

Mr. LUJÁN. Madam Speaker, today I rise to ask my colleagues to support an important measure that will allow the Pueblo of Ohkay Owingeh, in Northern New Mexico, to expand economic opportunities for their tribal members.

Ohkay Owingeh is a small tribal community (Pueblo) in the northern part of my district and is part of the cultural fabric of Northern New Mexico. Since before Spanish rule, and American Manifest Destiny the small pueblo of Ohkay Owingeh used it's surrounding lands to provide for its people.

As history moved to present day the Federal government and tribal communities entered into trust treaties to provide for the well being of Indian people across our nation. As part of the federal government's trust obligation to tribal communities, putting lands into trust for use by tribal people is something that is fundamental to the government-to-government relationship between the United States and individual tribal communities.

In the modern age many tribes develop part of their trust lands to create economic opportunities for their people. In many cases their ventures are successful and the tribe can use their trust lands as they see fit, but in other cases like that of Ohkay Owingeh the cumbersome nature of obtaining approval to lease their lands for economic activity can prevent very beneficial business ventures from ever taking place and, thus, hindering the tribes ability to provide for its own people.

The importance of allowing tribal governments to enter into long term leases is paramount to giving them the ability to create better opportunities for their tribal members, their children and future generations. Many tribes have vast lands that can benefit the tribe and surrounding areas economically, but because of the process of getting secretarial approval to lease their own lands can be detrimental for the tribe.

I am asking my colleagues to support this no cost measure that will allow the tribe of Ohkay Owingeh to enter into long term leases to expand economic opportunities for the tribe and to lift the cumbersome requirement of Secretarial Approval for use of their own lands.

Many of my colleagues on both sides of the aisle have supported such measures for other tribes around the country in this congress and in congresses past; and this kind bipartisan support is crucial to providing opportunities for the small Pueblo of Ohkay Owingeh.

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

GENERAL LEAVE

Mr. LUJÁN. Madam Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the measures considered by unanimous consent today.

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

There was no objection.

APPOINTING A COMMITTEE TO INFORM THE PRESIDENT

Mr. MCDERMOTT. Madam Speaker, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1784

Resolved, That a committee of two Members of the House be appointed to wait upon the President of the United States and inform him that the House of Representatives has completed its business of the session and is ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1750

APPOINTMENT OF COMMITTEE TO NOTIFY THE PRESIDENT

The SPEAKER pro tempore. Pursuant to House Resolution 1784, the Chair

appoints the following Members of the House to the committee to notify the President:

The gentleman from Maryland (Mr. HOYER);

The gentleman from Ohio (Mr. BOEHNER).

AUTHORIZING CHAIR AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent that the chair and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the CONGRESSIONAL RECORD, up to and including the Record's last publication, and to include a summary of the work of that committee or subcommittee.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the Second Session of the 111th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session sine die.

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

There was no objection.

APPOINTMENT—BOARD OF DIRECTORS OF VIETNAM EDUCATION FOUNDATION

The SPEAKER pro tempore. Pursuant to section 205(a) of the Vietnam Education Foundation Act of 2000 (P.L. 106–554), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Directors of the Vietnam Education Foundation:

Upon the recommendation of the majority leader:

Ms. LORETTA SANCHEZ, California.

REPORT FROM COMMITTEE TO NOTIFY THE PRESIDENT

Mr. MCDERMOTT. Madam Speaker, your committee appointed to inform the President that the House is ready to adjourn and to ask him if he has any further communications to make to the House has performed that duty and advises me that the President has directed them to say that he has no further communications to make to the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

THIS IS NO WAY TO RUN A GOVERNMENT

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

Mr. GOHMERT. Madam Speaker, this bill that's just passed has been indicative of how things have gone here in this last 2 years. People didn't have a chance to read the bill. People didn't have a chance to make amendments to the bill.

There is no question the heroes from 9/11 deserved our full attention. They deserved to have proper moneys raised in proper ways in order to fund their proper treatment. That should have been done, but it wasn't. No, we come rushing in here at the last minute, and in fact, there were 176 Democrats that voted. It took 42 Republicans voting to give a quorum to get enough people so the vote would count. We had to wait over an hour for people to fly in from different places.

Is that any way to run a government? Is that any way to handle the business regarding heroes? And by the way, we're told, well, this will be paid for. One of the ways we're going to get a bunch of money to pay for that is our troops are in the Middle East, and we have to buy things from vendors over there, and we're going to slap a 2 percent tax on everything they sell to us. Our servicemembers will pay for it.

This is no way to run a government.

THE AFGHANISTAN REVIEW: THAT'S IT?

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

Ms. WOOLSEY. Madam Speaker, after more than 9 years of the war in Afghanistan and a troop surge that supposedly was going to turn the tide, all we have are modest gains that are fragile and reversible. For the price of $377 billion, the lives of 1,400 brave Americans, that's it?

We need to hear more than ''the challenges are tough and there are difficult days ahead.'' We need to hear more than ''stay the course'' platitudes that do little to eliminate the situation for the American people who are footing the bill.

Columnist Eugene Robinson assessed the review this way: ''The good news is that President Obama's strategy in Afghanistan is 'on track.' The bad news is that the track runs in a circle.''

Round and round on that track we go, Madam Speaker. More of our finest young people thrown into harm's way, more dollars flying out of the Treasury, more of our global credibility destroyed.

And because the track runs in a circle, we always seem to wind up in the same place—no closer to defeating the terrorists, no progress made on key national security objectives.

Here are some unvarnished facts you didn't hear emphasized in the Afghanistan review:

Casualties are rising to record-setting levels. The Taliban remains not just viable but robust, while Afghan governance remains ineffective at best, corrupt at worst.

Hamid Karzai remains an unreliable loose cannon, lashing out—according to one report—that he'd choose the Taliban over the United States and the international community.

The security situation continues to deteriorate, with violence so great that the Red Cross says it's nearly impossible for them to do their humanitarian work.

An article in the Washington Post several days ago put it best: ''Afghanistan still remains a violent chaotic nation with as many signs of American defeat as of victory.''

With that context, what do we make of Secretary Gates saying that progress in Afghanistan has ''exceeded my expectations''? I shudder to think at just how low his expectations were.

The American people, however, have high expectations. that's why 60 percent of them, according to a recent poll, believe that this war isn't worth fighting.

Sixty percent, Madam Speaker! My friends on the other side of the aisle are claiming a ringing mandate with less public support than that.

And the Afghan people are no more enthusiastic. not even one-third of them rate the work of the work of the U.S. in their country as excellent or good.

And despite all this, the response appears to be not an accelerated drawdown, but an escalation of violence.

There are reports that the United States is considering expanding the war across the border in an unprecedented way, with risky and dangerous Special Operations ground raids into Pakistan.

We can't take much more, Madam Speaker. This occupation has been given every chance to succeed. The time for patience has long since passed. It's time to bring the troops home.

TAKING CARE OF BUSINESS

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

Mr. MCDERMOTT. Madam Speaker, we've had a long, tough Congress, and we come to the end of it, and I'm sorry that my good friend from Texas implied the vote was held open for some nefarious reasons.

We passed the bill for our first responders a long time ago, and they finally got around to it over in the Senate. Those people were important, and it was important that we wait and make sure it gets over here and we get it passed into law.

Unfortunately, one of our Members had gone home to visit her grandmother, who is near the end of her life, and the plane was coming in and trying to drive in the traffic of the rush hour

makes it a little difficult. And so it didn't happen quite as quickly as we wanted, but I'm sure at this time of Christmas, when we all believe that we want good will for all men and all women around the world, we can extend a moment to finish the business of taking care of the first responders who on the 11th of September 2001 didn't hesitate on our behalf.

APPOINTMENT—NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY

The SPEAKER pro tempore. Pursuant to section 106 of the Higher Education Opportunity Act (P.L. 110–315) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member on the part of the House to the National Advisory Committee on Institutional Quality and Integrity for a term of 6 years:

Upon the recommendation of the majority leader:

Dr. George T. French, Fairfield, Alabama.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H. Con. Res. 336. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Eleventh Congress.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6517. An act to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

OMNIBUS TRADE ACT OF 2010

Mr. MCDERMOTT. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6517) to extend trade adjustment assistance and certain trade preference programs, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Omnibus Trade Act of 2010''.

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

TITLE I—EXTENSION OF TRADE ADJUSTMENT ASSISTANCE AND HEALTH COVERAGE IMPROVEMENT

Subtitle A—Extension of Trade Adjustment Assistance

SEC. 101. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 1893(a) of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422) is amended by striking ''January 1, 2011'' each place it appears and inserting ''Febrary 13, 2011''.

(b) APPLICATION OF PRIOR LAW.—Section 1893(b) of the Trade and Globalization Adjustment Assistance Act of 2009 (Public Law 111–5; 123 Stat. 422 (19 U.S.C. 2271 note prec.)) is amended to read as follows:

''(b) APPLICATION OF PRIOR LAW.—Chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall be applied and administered beginning February 13, 2011, as if the amendments made by this subtitle (other than part VI) had never been enacted, except that in applying and administering such chapters—

''(1) section 245 of that Act shall be applied and administered by substituting 'February 12, 2012' for 'December 31, 2007';

''(2) section 246(b)(1) of that Act shall be applied and administered by substituting 'February 12, 2012' for 'the date that is 5 years' and all that follows through 'State';

''(3) section 256(b) of that Act shall be applied and administered by substituting 'the 1-year period beginning February 13, 2011, and ending February 12, 2012,' for 'each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007,';

''(4) section 298(a) of that Act shall be applied and administered by substituting 'the 1-year period beginning February 13, 2011, and ending February 12, 2012,' for 'each of the fiscal years' and all that follows through 'October 1, 2007'; and

''(5) subject to subsection (a)(2), section 285 of that Act shall be applied and administered—

''(A) in subsection (a), by substituting 'February 12, 2011' for 'December 31, 2007' each place it appears; and

''(B) by applying and administering subsection (b) as if it read as follows:

'' '(b) OTHER ASSISTANCE.—

'' '(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after February 12, 2012.

'' '(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before February 12, 2012, may be provided—

'' '(i) to the extent funds are available pursuant to such chapter for such purpose; and

'' '(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

'' '(2) FARMERS.—

'' '(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after February 12, 2012.

'' '(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before February 12, 2012, may be provided—

'' '(i) to the extent funds are available pursuant to such chapter for such purpose; and

'' '(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.'.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended to read as follows:

''(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

''(i) $575,000,000 for fiscal year 2010; and

''(ii) $66,500,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011.''.

(2) Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(3) Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(4) Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended—

(A) in the first sentence to read as follows: ''There are authorized to be appropriated to the Secretary to carry out the provisions of this chapter $50,000,000 for fiscal year 2010 and $5,800,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011.''; and

(B) in paragraph (1), by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(5) Section 275(f) of the Trade Act of 1974 (19 U.S.C. 2371d(f)) is amended by striking ''2011'' and inserting ''and annually thereafter''.

(6) Section 276(c)(2) of the Trade Act of 1974 (19 U.S.C. 2371e(c)(2)) is amended to read as follows:

''(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available, to provide grants to eligible communities under paragraph (1), not more than—

''(A) $25,000,000 for fiscal year 2010; and

''(B) $2,900,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011.''.

(7) Section 277(c) of the Trade Act of 1974 (19 U.S.C. 2371f(c)) is amended—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this subchapter—

''(A) $150,000,000 for fiscal year 2010; and

''(B) $17,3000 for the 6-week period beginning January 1, 2011 and ending February 12, 2011.''; and

(B) in paragraph (2)(A), by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(8) Section 278(e) of the Trade Act of 1974 (19 U.S.C. 2372(e)) is amended by striking ''2011'' and inserting ''and annually thereafter''.

(9) Section 279A(h)(2) of the Trade Act of 1974 (19 U.S.C. 2373(h)(2)) is amended by striking ''2011'' and inserting ''and annually thereafter''.

(10) Section 279B(a) of the Trade Act of 1974 (19 U.S.C. 2373a(a)) is amended to read as follows:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Labor to carry out the Sector Partnership Grant program under section 279A—

''(A) $40,000,000 for fiscal year 2010; and

''(B) $4,600,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011.

''(2) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated pursuant to this section shall remain available until expended.''.

(11) Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended—

(A) by striking ''December 31, 2010'' each place it appears and inserting ''February 12, 2011''; and

(B) in subsection (a)(2)(A), by inserting ''pursuant to petitions filed under section 221 before February 12, 2011'' after ''title''.

(12) Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''$90,000,000 for each of the fiscal years 2009 and 2010, and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$10,400,000 for the 6-week period beginning January 1, 2011, and ending February 12, 2011''.

(13) The table of contents for the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

''See. 235. Employment and case management services.''.

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

SEC. 102 MERIT STAFFING FOR STATE ADMINISTRATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Notwithstanding section 618.890(b) of title 20, Code of Federal Regulations, or any other provision of law, the single transition deadline for implementing the merit-based State personnel staffing requirements contained in section 618.890(a) of title 20, Code of Federal Regulations, shall not be earlier than February 12, 2011.

(b) EFFECTIVE DATE.—This section shall take effect on December 14, 2010.

SUBTITLE B—HEALTH COVERAGE IMPROVEMENT

SEC. 111. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(b) CONFORMING AMENDMENT.—Section 7527(b) of such Code is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 112. PAYMENT FOR THE MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF THE ADVANCE PAYMENTS OF CREDIT.

(a) IN GENERAL.—Section 7527(e) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC 113. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Section 35(c)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC 114. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63–DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2)(D) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(b) ERISA AMENDMENT.—Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)) is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(c) PHSA AMENDMENT.—Section 2701(c)(2)(C) of the Public Health Service Act (as in effect for plan years beginning before January 1, 2014) is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.

SEC. 115. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986, as added by section 1899E(a) of the American Recovery and Reinvestment Tax Act of 2009 (relating to continued qualification of family members after certain events), is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(b) CONFORMING AMENDMENT.—Section 173(f)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2010.

SEC. 116. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) ERISA AMENDMENTS.—

(1) PBGC RECIPIENTS.—Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(2) TAA-ELIGIBLE INDIVIDUALS.—Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)) is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(b) IRC AMENDMENTS.—

(1) PBGC RECIPIENTS.—Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(2) TAA-ELIGIBLE INDIVIDUALS.—Section 4980B(f)(2)(B)(i)(VI) of such Code is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(c) PHSA AMENDMENTS.—Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)(iv)) is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after December 31, 2010.

SEC. 117. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

(a) IN GENERAL.—Section 35(e)(1)(K) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''February 13, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 118. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Section 7527(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''January 1, 2011'' and inserting ''February 13, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after December 31, 2010.

TITLE II—ANDEAN TRADE PREFERENCES ACT

SEC. 201. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a)(1) of the Andean Trade Preference Act (19 U.S.C. 3206(a)(1)) is amended to read as follows:

''(1) remain in effect—

''(A) with respect to Colombia after February 12, 2011; and

''(B) with respect to Peru after December 31, 2010;''.

(b) ECUADOR.—Section 208(a) (2) of the Andean Trade Preference Act (19 U.S.C. 3206(a)(2)) is amended by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(c) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3)(E)(II)(H) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended (ii)(II), by striking ''December 31, 2010'' and inserting ''February 12, 2011''.

(d) ANNUAL REPORT.—Section 203(f)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(F)(1)) is amended by striking ''every 2 years'' and inserting ''annually''.

TITLE III OFFSETS

SEC. 301. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking ''September 30, 2019'' and inserting ''January 7, 2020''; and

(2) in subparagraph (B)(i), by striking ''September 30, 2019'' and inserting ''January 14, 2020''.

SEC. 302. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (2) of section 561 of the Hiring Incentives to Restore Employment Act in effect on the date of the enactment of this Act is increased by 4.5 percentage points.

TITLE IV BUDGETARY EFFECTS

SEC. 401. COMPLIANCE WITH PAYGO.

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.

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

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT—ADVISORY COMMITTEE ON STUDENT FINANCIAL ASSISTANCE

The SPEAKER pro tempore. Pursuant to section 491 of the Higher Education Act (20 U.S.C. 1098(c)), as amended, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the Advisory Committee on Student Financial Assistance for a term of 4 years:

Upon the recommendation of the majority leader:

Ms. Deborah Stanley, Bowie, Maryland.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

July 29, 2010:

H.R. 4899. An Act making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 5610. An Act to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers.

August 1, 2010:

H.R. 5900. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend airport improvement program project grant authority and to improve airline safety, and for other purposes.

August 10, 2010:

H.R. 1586. An Act to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

H.R. 2765. An Act to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.

H.R. 5874. An Act making supplemental appropriations for the United States Patent and Trademark Office for the fiscal year ending September 30, 2010, and for other purposes.

August 11, 2010:

H.R. 4380. An Act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes.

H.R. 5872. An Act to provide adequate commitment authority for fiscal year 2010 for guaranteed loans that are obligations of the General and Special Risk Insurance Funds of the Department of Housing and Urban Development.

H.R. 5981. An Act to increase the flexibility of the Secretary of Housing and Urban Development with respect to the amount of premiums charged for FHA single family housing mortgage insurance, and for other purposes.

August 13, 2010:

H.R. 6080. An Act making emergency supplemental appropriations for border security for the fiscal year ending September 30, 2010, and for other purposes.

August 16, 2010:

H.R. 511. An Act to authorize the Secretary of Agriculture to terminate certain easements held by the Secretary on land owned by the Village of Caseyville, Illinois, and to terminate associated contractual arrangements with the Village.

H.R. 2097. An Act to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

H.R. 3509. An Act to reauthorize State agricultural mediation programs under title V of the Agricultural Credit Act of 1987.

H.R. 4275. An Act to designate the annex building under construction for the Elbert P. Tuttle United States Court of Appeals Building in Atlanta, Georgia, as the ''John C. Godbold Federal Building''.

H.R. 5278. An Act to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

H.R. 5395. An Act to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

H.R. 5552. An Act to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly and to provide for the assessment by the Secretary of the Treasury of certain criminal restitution.

September 27, 2010:

H.R. 5297. An Act to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes.

H.R. 6102. An Act to amend the National Defense Authorization Act for Fiscal Year 2010 to extend the authority of the Secretary of the Navy to enter into multiyear contracts for F/A–18E, F/A–18F, and EA–18G aircraft.

September 30, 2010:

H.R. 3081. An Act making continuing appropriations for the fiscal year ending September 30, 2011, and for other purposes.

H.R. 3940. An Act to clarify the authority of the Secretary of the Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.

H.R. 6190. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

October 5, 2010:

H.R. 1517. An Act to allow certain U.S. Customs and Border Protection employees who serve under an overseas limited appointment for at least 2 years, and whose service is rated fully successful or higher throughout that time, to be converted to a permanent appointment in the competitive service.

October 7, 2010:

H.R. 553. An Act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 2701. An Act to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

October 8, 2010:

H.R. 714. An Act to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

H.R. 1177. An Act to require the Secretary of the Treasury to mint coins in recognition of five United States Army 5–Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry 'Hap' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

October 12, 2010:

H.R. 2923. An Act to enhance the ability to combat methamphetamine.

H.R. 3553. An Act to exclude from consideration as income under the Native American Housing Assistance and Self-Determination Act of 1996 amounts received by a family from the Department of Veterans Affairs for service-related disabilities of a member of the family.

H.R. 3689. An Act to provide for an extension of the legislative authority of the Vietnam Veterans Memorial Fund, Inc. to establish a Vietnam Veterans Memorial visitor center, and for other purposes.

H.R. 3980. An Act to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes.

October 13, 2010:

H.R. 946. An Act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

H.R. 3219. An Act to amend title 38, United States Code, and the Servicemembers Civil Relief Act to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 4543. An Act to designate the facility of the United States Postal Service located at 4285 Payne Avenue in San Jose, California, as the ''Anthony J. Cortese Post Office Building''.

H.R. 5341. An Act to designate the facility of the United States Postal Service located at 100 Orndorf Drive in Brighton, Michigan, as the ''Joyce Rogers Post Office Building''.

H.R. 5390. An Act to designate the facility of the United States Postal Service located at 13301 Smith Road in Cleveland, Ohio, as the ''David John Donafee Post Office Building''.

H.R. 5450. An Act to designate the facility of the United States Postal Service located at 3894 Crenshaw Boulevard in Los Angeles, California, as the ''Tom Bradley Post Office Building''.

H.R. 6200. An Act to amend part A of title XI of the Social Security Act to provide for a 1-year extension of the authorizations for the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

October 15, 2010:

H.R. 3619. An Act to authorize appropriations for the Coast Guard for fiscal year 2011, and for other purposes.

November 30, 2010:

H.R. 5712. An Act entitled The Physician Payment and Therapy Relief Act of 2010.

December 4, 2010:

H.J. Res. 101. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

December 8, 2010:

H.R. 4783. An Act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Chile, and to extend the period from which such contributions for the relief of victims of the earthquake in Haiti may be accelerated.

December 9, 2010:

H.R. 1722. An Act to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes.

H.R. 5283. An Act to provide for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010.

H.R. 5566. An Act to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes.

December 14, 2010:

H.R. 4387. An Act to designate the Federal building located at 100 North Palafox Street

in Pensacola, Florida, as the ''Winston E. Arnow Federal Building''.

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

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

H.R. 5758. An Act to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the ''Sergeant Robert Barrett Post Office Building''.

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

H.R. 6162. An Act to provide research and development authority for alternative coinage materials to the Secretary of the Treasury, increase congressional oversight over coin production, and ensure the continuity of certain numismatic items.

H.R. 6166. An Act to authorize the production of palladium bullion coins to provide affordable opportunities for investments in precious metals, and for other purposes.

H.R. 6237. An Act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the ''Tom Kongsgaard Post Office Building''.

H.R. 6387. An Act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the ''Sam Sacco Post Office Building''.

December 15, 2010:

H.R. 4994. An Act to extend certain expiring provisions of the Medicare and Medicaid programs, and for other purposes.

H.R. 6118. An Act to designate the facility of the United States Postal Service located at 2 Massachusetts Avenue, NE, in Washington, D.C., as the ''Dorothy I. Height Post Office''.

December 17, 2010:

H.R. 4853. An Act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

December 18, 2010:

H.J. Res. 105. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes.

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.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

July 30, 2010:

S. 3372. An Act to modify the date on which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels.

August 3, 2010:

S. 1789. An Act to restore fairness to Federal cocaine sentencing.

August 10, 2010:

S. 1749. An Act to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

September 27, 2010:

S. 3656. An Act to amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

September 30, 2010:

S. 3839. An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

October 5, 2010:

S. 846. An Act to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 1055. An Act to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

October 8, 2010:

S. 2868. An Act to provide increased access to the Federal supply schedules of the General Services Administration to the American Red Cross, other qualified organizations, and State and local governments.

S. 3304. An Act to increase the access of persons with disabilities to modern communications, and for other purposes.

S. 3751. An Act to amend the Stem Cell Therapeutic and Research Act of 2005.

S. 3828. An Act to make technical corrections in the Twenty-First Century Communications and Video Accessibility Act of 2010 and the amendments made by that Act.

S. 3847. An Act to implement certain defense trade cooperation treaties, and for other purposes.

October 11, 2010:

S. 3729. An Act to authorize the programs of the National Aeronautics and Space Administration for fiscal years 2011 through 2013, and for other purposes.

October 12, 2010:

S. 1132. An Act to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 3397. An Act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

October 15, 2010:

S. 1510. An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.

S. 3196. An Act to amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

October 18, 2010:

S. 3802. An Act to designate a mountain and icefield in the State of Alaska as the ''Mount Stevens'' and ''Ted Stevens Icefield'', respectively.

November 24, 2010:

S. 3774. An Act to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

November 30, 2010:

S. 1376. An Act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

S. 3567. An Act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the ''Navy Corpsman Jeffrey L. Wiener Post Office Building''.

S.J. Res. 40. A joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

December 9, 2010:

S. 3689. An Act to clarify, improve, and correct the laws relating to copyrights, and for other purposes.

December 13, 2010:

S. 3307. An Act to reauthorize child nutrition programs, and for other purposes.

December 14, 2010:

S. 1338. An Act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An Act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An Act to provide for the training of Federal building personnel, and for other purposes.

December 15, 2010:

S. 2847. An Act to regulate the volume of audio on commercials.

December 18, 2010:

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.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. HOYER) for December 21 and 22 on account of illness.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today after 4 p.m. on account of personal reasons.

Mr. PASTOR of Arizona (at the request of Mr. HOYER) for today.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and the balance of the week.

Mr. GENE GREEN of Texas (at the request of Mr. HOYER) for today.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of family illness.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for December 21 and the balance of the week on account of family medical reasons.

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. 4445. An act to amend Public Law 95–232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico.

H.R. 5116. An act to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

H.R. 5470. An act 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.

H.R. 6398. An act to require the Federal Deposit Insurance Corporation to fully insure Interest on Lawyers Trust Accounts.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 3243. An act to require U.S. Customs and Border Protection to administer polygraph examinations to all applicants for law enforcement positions with U.S. Customs and Border Protection, to require U.S. Customs and Border Protection to initiate all periodic background reinvestigations of certain law enforcement personnel, and for other purposes.

S. 3592. An act to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the ''First Lieutenant Robert Wilson Collins Post Office Building''.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on December 21, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 2965. To amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

H.R. 6473. To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

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.

SINE DIE ADJOURNMENT

Mr. MCDERMOTT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution 336, 111th Congress, the Chair declares the Second Session of the 111th Congress adjourned sine die.

Accordingly (at 6 p.m.), the House adjourned.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the second, third, and fourth quarters of 2010 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO POLAND FOR THE FALL MEETING OF THE NATO PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 11 AND NOV. 15, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mike Ross	11/11	11/15	Poland		834.81		(3)				834.81
Hon. Jo Ann Emerson	11/11	11/15	Poland		834.81		(3)				834.81
Hon. Tim Holden	11/11	11/15	Poland		834.81		(3)				834.81
Hon. David Scott	11/11	11/15	Poland		834.81		(3)				834.81
Kathy Becker	11/11	11/15	Poland		834.81		(3)				834.81
David Fite	11/11	11/15	Poland		834.81		(3)				834.81
Riley Moore	11/11	11/15	Poland		834.81		(3)				834.81
Janice Robinson	11/11	11/15	Poland		834.81		(3)				834.81
Delegation Expenses:											
Representational Funds									1,992.03		1,992.03
Miscellaneous											
Committee total				6,678.48					1,992.03		6,670.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HON. JOHN S. TANNER, Chairman, Dec. 2, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mike Quigley	7/01	7/05	Poland		1,111.30						
CODEL Quigley Expenses									325.50		1,436.80
Tom Jawetz	7/04	7/12	Malaysia & Cambodia		1,484.00		11,653.30				13,137.30
Hon. Louie Gohmert	7/29	8/03	Europe		1,092.00						
			Asia		889.00						1,981.00
Hon. Steve King	7/29	8/03	Europe		1,092.00						
			Asia		889.00						1,981.00
David Shahoulian	8/06	8/16	India & Thailand		2,790.00		10,132.50				12,922.50
Danielle Brown	8/06	8/16	India & Thailand		2,790.00		10,132.50				12,922.50
Traci Hong	8/06	8/16	India & Thailand		2,790.00		10,132.50				12,922.50
Ron LeGrand	8/06	8/16	India & Thailand		2,790.00		10,132.50				12,922.50
Kimani Little	8/06	8/16	India & Thailand		2,790.00		10,132.50				12,922.50
CODEL Shahoulian Expenses									2,773.30		2,773.30
Hon. Hank Johnson	8/28	9/03	China		2,473.00		14,026.20				16,499.20
Hon. Jerrold Nadler	8/28	9/03	China		2,473.00		10,176.30				12,649.30
Hon. F. James Sensenbrenner	8/28	9/03	China		1,972.00		13,172.80				15,144.80
Christal Sheppard	8/28	9/03	China		2,113.00		13,776.70				15,889.70
Eric Garduno	8/28	9/03	China		2,113.00		14,201.20				16,314.20
David Whitney	8/28	9/03	China		2,077.00		10,841.40				12,918.40
CODEL Johnson Expenses—In Country	8/28	9/03	China						17,538.89		17,538.89
Hon. Steve Cohen	8/30	9/01	Serbia		712.00						
	9/01	9/03	Montenegro		762.00						
	9/03	9/06	Croatia		1,332.20						2,806.20
Commitee total											195,682.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Dec. 10, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Danielle Baussan	8/05	8/16	Japan/Malaysia		3,921.00		5,833.50				9,754.50
Barton Forsyth	8/05	8/26	Japan/Malaysia		5,811.00		8,432.50				14,243.50
Thomas Schreibel	8/05	8/11	Japan/Malaysia		2,976.00		3,954.50				6,930.50
Harlan Watson	8/01	8/07	Germany		2,310.00		1,688.70				3,998.70
Committee total				Xxxxxxxxxxxx		Xxxxxxxxxxxx		Xxxxxxxxxxxx		Xxxxxxxxxxxx	34,927.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SARAH E. BUTLER, Dec. 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Barton Forsyth	12/07	12/11	Mexico		1,470.00		809.22				2,279.22
Michael Goo	12/08	12/11	Mexico		1,176.00		1,158.72				2,334.72
Thomas Schreibel	12/05	12/11	Mexico		2,058.00		1,470.63				3,528.63
Committee total											8,142.57

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SARAH E. BUTLER.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Chairman, Dec. 3, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. SANDER M. LEVIN, Chairman, Dec. 3, 2010.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

11186. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Gypsy Moth Generally Infested Areas; Illinois, Indiana, Maine, Ohio, and Virgina [Docket No.: APHIS-2008-0083] received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11187. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Imazosulfuron; Pesticide Tolerances [EPA-HQ-OPP-2009-0205; FLR-8857-4] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11188. A letter from the Under Secretary, Personnel & Readiness Under Secretary, Policy, Department of Defense, transmitting the Department's report ''The Power of People: Building an Intergrated National Security Professional System for the 21st Century''; to the Committee on Armed Services.

11189. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Frank G. Klotz, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

11190. A letter from the Under Secretary, Department of Defense, transmitting notification of the Army's determination that reportable increases have occurred in the Program Acquisition Unit Cost (PAUC) for the Chemical Demilitarization-Assembled Chemical Weapons Alternative (ACWA) Program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

11191. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Management of Federal Agency Disbursements (RIN: 1510-AB26) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11192. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Federal Government Participation in the Automated Clearing House (RIN: 1510-AB24) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11193. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

11194. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Colombia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

11195. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Kingdom of the Netherlands, pursuant to Section 2(b)(3) of the Export-Import

Bank Act of 1945, as amended; to the Committee on Financial Services.

11196. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Administrative Wage Garnishment received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11197. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Filing Accommodation for Static Pool Information In Filings with Respect to Asset-Backed Securities [Release No. 33-9165; File No. S7-18-10] (RIN: 3235-AK70) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

11198. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Status and Condition of Head Start Facilities used by the American Indian and Alaska Native Programs, as required by Section 650(b) of the Head Start Act; to the Committee on Education and Labor.

11199. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Head Restraints [Docket No.: NHTSA-2010-0148] (RIN: 2127-AK39) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11200. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Emissions Banking and Trading of Allowances Program [EPA-R06-OAR-2005-TX-0012; FRL-9243-1] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11201. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Sulfur Dioxide SIP Revision for Marathon Petroleum St. Park [EPA-R05-OAR-2009-0808; FRL-9243-3] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11202. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virgina; Amendments to Ambient Air Quality Standards for Particulate Matter [EPA-R03-OAR-2008-0073; FRL-9243-5] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11203. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County's Adoption of Control Techniques Guidelines for Large Appliance and Metal Furniture; Flat Wood Paneling; Paper, Film, and Foil Surface Coating Processes; and Revisions to Definitions and an Existing Regulation [EPA-R03-OAR-2010-0857; FRL-9243-6] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11204. A letter from the Director, Regulatory Management Divison, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Regulation Deferring the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule [EPA-HQ-OAR-2010-0929; FRL 9242-7] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11205. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated By Reference [WV103-6041; FRL-9240-1] received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11206. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category; and Addition to Source Category List for Standards [EPA-HQ-OAR-2010-0239; FRL-9242-3] (RIN: 2060-AP48) received December 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

11207. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the ninth quarterly report on the Afghanistan reconstruction, pursuant to Public Law 110-181, section 1229; to the Committee on Foreign Affairs.

11208. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-66, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

11209. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-76, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

11210. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-62, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

11211. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Iraq (Transmittal No. 07-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

11212. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Iraq (Transmittal No. 08-10) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

11213. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting corrected letters, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

11214. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Category VII (RIN: 1400-AC77) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

11215. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

11216. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of July 23, 1995; to the Committee on Foreign Affairs.

11217. A letter from the Administrator, National Nuclear Security Administration, Department of Energy, transmitting a letter in response to the GAO report GAO-10-251; to the Committee on Oversight and Government Reform.

11218. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Agency Financial Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

11219. A letter from the Secretary, Department of the Treasury, transmitting FY 2010 Treasury Agency Financial Report; to the Committee on Oversight and Government Reform.

11220. A letter from the Chairman, Federal Trade Commission, transmitting the semi-annual report on the activities of the Office of Inspector General for the period from April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11221. A letter from the Assistant Attorney General, Department of Justice, transmitting the annual report entitled, ''Prioritizing Resources and Organization for Intellectual Property Act of 2010''; to the Committee on the Judiciary.

11222. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revisions to the Civil Penalty Inflation Adjustment Tables [Docket No.: FAA-2009-0237; Amendment No. 13-35] (RIN: 2120-AJ50) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11223. A letter from the Secretary, Judicial Conference of the United States, transmitting a letter describing the work on the second report to Congress on the security of electronically filled documents to the federal courts; to the Committee on the Judiciary.

11224. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30756; Amdt. No. 3402] received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11225. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Waiver of Acceptable Mission Risk Restriction for Reentry and a Reentry Vehicle received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11226. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Office of Commercial Space Transportation; Waiver of Autonomous Reentry Restriction for a Reentry Vehicle received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the

Committee on Transportation and Infrastructure.

11227. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30757; Amdt. No. 3403] received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11228. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2-1C, B2K-3C, B2-203, B4-2C, B4-103, and B4-203 Airplanes; and Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, and F4-605R Airplanes [Docket No.: FAA-2009-1067; Directorate Identifier 2009-NM-071-AD; Amendment 39-16516; AD 2010-23-26] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11229. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CENTRAIR Models 101, 101A, 101P, and 101AP Gliders [Docket No.: FAA-2010-0735 Directorate Identifier 2010-CE-030-AD; Amendment 39-16529; AD 2010-24-10] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11230. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No.: FAA-2007-28348; Directorate Identifier 2007-NM-060-AD; Amendment 39-16530; AD 2010-24-11] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11231. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines [Docket No.: FAA-2010-0725; Directorate Identifier 2010-NE-18-AD; Amendment 39-16528; AD 2010-24-09] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11232. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2010-1136; Directorate Identifier 2010-SW-069-AD; Amendment 39-16522; AD 2010-24-04] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11233. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30755; Amdt. No. 3401] received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11234. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Using Agency for Restricted Areas R-4002, R-4005, R-4006 and R-4007; MD [Docket No.: FAA-2010-1070; Airspace Docket No. 10-AEA-18] (RIN: 2120-AA66) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11235. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30754; Amdt. No 3400] received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11236. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Restricted Areas R-3807 Glencoe, LA, and R-6320 Matagorda, TX [Docket No.: FAA-2010-1014; Airspace Docket No.: 10-ASW-14] (RIN: 2120-AA66) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11237. A letter from the Ombudsman, Department of Transportation, transmitting the Department's final rule — Brokers of Household Goods Transportation by Motor Vehicle [Docket No.: FMCSA-2004-17008] (RIN: 2126-AA84) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11238. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class B Airspace; Charlotte, NC [Docket No.: FAA-2010-0049; Airspace Docket No. 08-AWA-1] (RIN: 2010-AA66) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11239. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model A109E Helicopters [Docket No.: FAA-2010-0449; Directorate Identifier 2009-SW-38-AD; Amendment 39-16456; AD 2010-20-21] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11240. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company (Cessna) 172, 175, 177, 180, 182, 185, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes [Docket No.: FAA-2008-1328; Directorate Identifier 2008-CE-066-AD; Amendment 39-15-776; AD 208-26-10] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11241. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Rotax Aircraft Engines 912 A Series Engines [Docket No.: FAA-2010-0522; Directorate Identifier 2010-CE-022-AD; Amendment 39-16506; AD 2010-23-17] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11242. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 737-900ER Series Airplanes [Docket No.: FAA-2010-0764; Directorate Identifier 2009-NM-260-AD; Amendment 39-16519; AD 2010-24-01] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11243. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company (Robinson) Model R22, R22 Alpha, R22 Beta, and R22 Mariner Helicopters, and Model R44, and R44 II Helicopter [Docket No.: FAA-2010-0711; Directorate Identifier 2008-SW-25-AD; Amendment 39-16521; AD 2010-24-03] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11244. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Model 222, 222B, 222U, 230, and 430 Helicopters [Docket No.: FAA-2010-1137; Directorate Identifier 2010-SW-079-AD; Amendment 39-16523; AD 2010-19-51] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11245. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault-Aviation Model FALCON 7X Airplanes [Docket No. FAA-2010-0760; Directorate Identifier 2010-NM-086-AD; Amendment 39-16520; AD 2010-24-02] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11246. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Corp. (P&WC) PW305A and PW305B Turboprop Engines [Docket No.: FAA-2010-0892; Directorate Identifier 2010-NE-23-AD; Amendment 39-16524; AD 2010-24-05] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11247. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2010-0862; Directorate Identifier 2010-CE-040-AD; Amendment 39-16518; AD 2010-23-28] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11248. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-500 and A340-600 Series Airplanes [Docket No.: FAA-2010-1110; Directorate Identifier 2010-NM-052-AD; Amendment 39-16517; AD 2010-23-27] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11249. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation (Sikorsky) Model S-92A Helicopters [Docket No.: FAA-2010-1136; Directorate Identifier 2010-SW-069-AD; Amendment 39-16522; AD 2010-24-04] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11250. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France (ECF) Model SA330F, G, and J; and AS332C, L, L1, and L2 Helicopters [Docket No.: FAA-2010-0670; Directorate Identifier 2009-SW-42-AD; Amendment 39-16513; AD 2010-23-33] (RIN: 2120-AA64) received December 22, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11251. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2010 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

11252. A letter from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting the Department's report for the Office of Civil

Rights and Civil Liberties for the Fiscal Year 2009 and the Fourth Quarter of 2009, pursuant to 6 U.S.C. 345(b); jointly to the Committees on the Judiciary and Homeland Security.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the following actions were taken by the Speaker:

The Committees on Education and Labor, Energy and Commerce, and Financial Services discharged from further consideration. H.R. 1064 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Homeland Security discharged from further consideration. H.R. 1174 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Appropriations discharged from further consideration. H.R. 1425 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committees on the Judiciary and Homeland Security discharged from further consideration. H.R. 3376 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Ways and Means and Agriculture discharged from further consideration. H.R. 4678 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Agriculture discharged from further consideration. H.R. 5105 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Energy and Commerce discharged from further consideration. H.R. 5498 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The Committee on Energy and Commerce discharged from further consideration. H.R. 6116 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FORTENBERRY:

H.R. 6570. A bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services; to the Committee on Energy and Commerce.

By Mr. CULBERSON:

H.J. Res. 106. A joint resolution proposing an amendment to the Constitution of the United States relating to the use of foreign law as authority in Federal courts; to the Committee on the Judiciary.

By Mr. CULBERSON:

H.J. Res. 107. A joint resolution proposing an amendment to the Constitution of the United States regarding the effect of treaties, Executive orders, and agreements with other nations or groups of nations; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H. Res. 1783. A resolution making a technical correction to a cross-reference in the final regulations issued by the Office of Compliance to implement the Veterans Employment Opportunities Act of 1998 that apply to the House of Representatives and employees of the House of Representatives; to the Committee on House Administration; considered and agreed to.

By Mr. MCDERMOTT:

H. Res. 1784. A resolution appointing a committee to inform the President; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 949: Mr. TOWNS.

H.R. 1326: Ms. JACKSON LEE of Texas, Ms. NORTON, and Mr. CALVERT.

H.R. 1549: Ms. BORDALLO.

H.R. 2057: Mr. FATTAH.

H.R. 3924: Mr. BUCHANAN.

H.R. 4690: Ms. BALDWIN.

H.R. 5191: Mr. HOLT.

H.R. 5434: Ms. JACKSON LEE of Texas and Mr. INSLEE.

H.R. 5543: Mr. TOWNS.

H.R. 5561: Mr. COHEN.

H.R. 6194: Ms. MOORE of Wisconsin and Ms. NORTON.

H.R. 6556: Mr. FRANK of Massachusetts.

H. Con. Res. 331: Mr. BERMAN.

H. Res. 130: Mr. DICKS.

H. Res. 1431: Ms. LINDA T. SÁNCHEZ of California.