

SECTION 1. SHORT TITLE.

This Act may be cited as the “American Eagle Palladium Bullion Coin Act of 2010”.

SEC. 2. PALLADIUM COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph;

“(12) A \$25 coin of an appropriate size and thickness, as determined by the Secretary, that weighs 1 troy ounce and contains .9995 fine palladium.”; and

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

“(v) PALLADIUM BULLION INVESTMENT COINS.—

“(1) IN GENERAL.—Subject to the submission to the Secretary and the Congress of a marketing study described in paragraph (8), beginning not more than 1 year after the submission of the study to the Secretary and the Congress, the Secretary shall mint and issue the palladium coins described in paragraph (12) of subsection (a) in such quantities as the Secretary may determine to be appropriate to meet demand.

“(2) SOURCE OF BULLION.—

“(A) IN GENERAL.—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined. If no such palladium is available or if it is not economically feasible to obtain such palladium, the Secretary may obtain palladium for the palladium coins described in paragraph (12) of subsection (a) from other available sources.

“(B) PRICE OF BULLION.—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

“(3) SALE OF COINS.—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

“(A) the market value of the bullion at the time of sale; and

“(B) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

“(4) TREATMENT.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

“(5) QUALITY.—The Secretary may issue the coins described in paragraph (1) in both proof and uncirculated versions, except that, should the Secretary determine that it is appropriate to issue proof or uncirculated versions of such coin, the Secretary shall, to the greatest extent possible, ensure that the surface treatment of each year’s proof or uncirculated version differs in some material way from that of the preceding year.

“(6) DESIGN.—Coins minted and issued under this subsection shall bear designs on the obverse and reverse that are close likenesses of the work of famed American coin designer and medallist artist Adolph Alexander Weinman—

“(A) the obverse shall bear a high-relief likeness of the ‘Winged Liberty’ design used on the obverse of the so-called ‘Mercury dime’;

“(B) the reverse shall bear a high-relief version of the reverse design of the 1907 American Institute of Architects medal; and

“(C) the coin shall bear such other inscriptions, including ‘Liberty’, ‘In God We Trust’, ‘United States of America’, the denomination and weight of the coin and the fineness of the metal, as the Secretary determines to be appropriate and in keeping with the original design.

“(7) MINT FACILITY.—Any United States mint, other than the United States Mint at West Point, New York, may be used to strike coins minted under this subsection other than any proof version of any such coin. If the Secretary

determines that it is appropriate to issue any proof version of such coin, coins of such version shall be struck only at the United States Mint at West Point, New York.

“(8) MARKETING STUDY DEFINED.—The market study described in paragraph (1) means an analysis of the market for palladium bullion investments conducted by a reputable, independent third party that demonstrates that there would be adequate demand for palladium bullion coins produced by the United States Mint to ensure that such coins could be minted and issued at no net cost to taxpayers.”.

SEC. 3. BUDGETARY EFFECT.

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. WATT (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

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

There was no objection.

The amendment was agreed to.

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.

GENERAL LEAVE

Mr. WATT. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6162 and H.R. 6166.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

PLAIN WRITING ACT OF 2010

Mr. CLAY. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 946) 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.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Amendments:

On page 2, line 17, strike “relevant to” and insert “necessary for”.

On page 3, strike lines 5 through 9 and insert the following:

(3) PLAIN WRITING.—The term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience.

On page 4, line 2, after “website” insert “as required under paragraph (2)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

H.R. 946, the Plain Writing Act of 2010, was introduced by Representative BRUCE BRALEY on February 10, 2009, and it passed the House by an overwhelming margin on March 17, 2010. The Senate made slight amendments to the bill and passed it by unanimous consent earlier this week.

This is straightforward, good-government legislation. H.R. 946 requires agencies to use plain writing in government documents.

The organization, AARP, wrote a letter supporting this bill, and I quote:

“The use of plain language in documents issued to the public will save the Federal Government an enormous amount of time now spent helping citizens understand the correspondence they receive.”

The changes made to the bill by the Senate are very minor, including adding language clarifying that plain writing should be appropriate to the subject or field and intended audience.

This bill will make the government more transparent and efficient, and I urge my colleagues to join me in support of the Senate amendments to H.R. 946.

Madam Speaker, I reserve the balance of my time.

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

I rise today in opposition to H.R. 946, the Plain Writing Act of 2010.

Madam Speaker, we all want Federal agencies to communicate information about benefits and services in plain language. Overly bureaucratic language can confuse the public and prevent individual citizens from receiving benefits and services Congress intended to provide them. If we could get government agencies to write in plain language by issuing a congressional fiat, this problem would have been solved, I am sure, a long time ago. This bill is unlikely to accomplish its purpose, but

it is likely to incur a cost of about \$5 million annually, according to the Congressional Budget Office. This is the heart of my concern.

The bill directs senior agency officials to make certain that the agency is communicating clearly with the public. Federal employees are to be trained to write plainly, and documents produced by the agency are to be drafted using writing that follows "best practices appropriate to the subject or field and intended audience." Thus, even the bill's definition of the term "plain writing" is not necessarily clear.

Madam Speaker, at a time of record budget deficits and amid our Federal Government's fiscal woes, we should not be spending another \$5 million to direct the Federal Government to do something that it should already be doing. Federal agencies that deal with the public should obviously be communicating the benefits and services they provide in clear, understandable language. It should not require legislation to accomplish that goal, and it is not clear how the legislation would actually achieve that. Federal agencies already receive funds to communicate about their programs and throwing more money at the problem is unlikely to improve the situation.

I urge Members to oppose H.R. 946.

I reserve the balance of my time.

Mr. CLAY. Madam Speaker, I would now like to yield 5 minutes to the chief sponsor of this legislation, the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank my friend from Missouri for yielding to me.

In February of 2009, I introduced the Plain Writing Act, and I rise today to talk about the responsibility of this government to communicate effectively with its citizens.

I know that lawyers are often blamed for the legalese that makes government documents so difficult to read and understand, so some might find it unusual that this "plain language" bill was introduced by someone who practiced law for 23 years before being elected to Congress. They might be surprised to learn that the use of clear, concise language in communications has been a passion of mine since I started practicing in 1983, when the Iowa Supreme Court adopted plain language guidelines for use in its jury instructions. Since that time, I've been speaking and writing about the importance of using plain language to improve both written and spoken communications.

I was proud to introduce the Plain Writing Act, a bill that requires the Federal Government to write documents such as letters from the Social Security Administration or a notice from the Department of Veterans Affairs in simple, easy-to-understand language. I first introduced this bill last Congress and was proud when it passed the House floor earlier this year with overwhelming support. In fact, this

same bill passed by a vote of 376-1 on April 14, 2008, and by a vote of 386-33 on March 17, 2010. Yesterday it passed the Senate unanimously.

I want to thank Oversight and Government Reform Chairman ED TOWNS and Ranking Member DARRELL ISSA for their support of this important legislation. I also want to thank Senator BENNETT from Utah, Senator VOINOVICH from Ohio and Senator AKAKA from Hawaii for working together in a bipartisan manner to get the Senate to pass this important bill.

Anyone who's done their own taxes knows the headache of trying to understand pages and pages of confusing forms and instructions. There is absolutely no reason for the Federal Government not to write these tax documents and other public documents in language we can all understand. Yet despite the objections of my friend from Utah, the Federal Government, no matter who's in charge, has always had a problem with this accountability.

Writing documents in plain language will increase government accountability and save Americans time and money. Plain, straightforward language makes it easier for taxpayers to understand what the Federal Government is doing and what services it's offering. Small businesses will see substantial benefits from eliminating Federal gobbledegook.

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Often small businesses have to hire lawyers and accountants to help them navigate the maze of Federal paperwork and convoluted language. The National Federation of Independent Business estimates that the average per hour cost of paperwork and record-keeping for small businesses is \$48.72. The use of clear, easy-to-understand language in government paperwork will substantially reduce burdens on small businesses and save taxpayers millions of dollars.

The Plain Writing Act will require the Federal Government to use plain communications, forms, and public distributed documents, writing in a clear, concise, well-organized manner that follows the best practices of plain language writing.

Using these complex forms, letters, and notices imposes unnecessary hardships on American citizens, and replacing them with plain language will improve service to the public, save time that agencies currently spend answering questions about what documents mean, and make it easier to hold agencies accountable for their work.

I know this bill will make it easier for Americans and small businesses to work and understand their government.

I want to thank all of my colleagues on both sides of the aisle who join me today in standing up for plain language and plain writing and standing up for effective communication with our constituents and standing up for small

business owners and in standing up for the taxpayers who, despite the CBO estimate of the short-term cost, will see substantial savings as we reduce the time that Federal agencies spend responding to requests for information.

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

I have the greatest respect for Chairman CLAY and for Congressman BRALEY. I think their goals and intentions, the stated objective is admirable. It is laudable. It's something I'm sure we can all agree with. We should be writing in plain, clear language.

There are two challenges. The thing that just makes me smile about this is that this language was put together. It passed in the House. It goes over to the Senate. The Senate comes back and says your definition of plain language is not clear. In fact, they came back—and this is what it says right in the bill that they sent back to us, the term, quote, plain writing, end quote, means writing that is clear, and then it continues on. This is not necessarily going to solve the problem. This is not going to solve the problem.

And yet in a time of record budget deficits, we're 13-plus trillion dollars in debt. We're spending \$5- to \$600 million a day just in interest on that debt. This bill suggests and authorizes that we're going to authorize \$50 million over the next 10 years, \$50 million to say, Go write in plain language.

Well, let's be plain and let's be clear. We've got a debt crisis in this country. That's plain. It is clear. We all understand it. Our Federal Government should not be spending \$50 million over 10 years directing agencies to say, Write more plain, clear language. Why they need \$5 million a year to try to implement this is beyond me, but enough is enough. We cannot afford this.

Tell and direct and insist that every agency and every document be instituted in plain, clear language, and if the head of that agency can't achieve that goal, then they should fire somebody and get somebody who can do that.

There is no definition in the bill of what clear and plain writing is. To say that it is clear does not solve the problem, and so the Federal Government, every time it runs into trouble, what does it do? Let's throw more money at it. We can't afford \$50 million over the next 10 years to write plain language. That's plain. That's clear. And that's why we should oppose this bill.

I have no additional speakers, and I yield back the balance of my time.

Mr. CLAY. Madam Speaker, again, I encourage all Members to support the Senate amendments to H.R. 946, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 946.

The question was taken.

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

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

The yeas and nays were ordered.

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

SECURE AND RESPONSIBLE DRUG DISPOSAL ACT OF 2010

Mr. INSLEE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 3397) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure and Responsible Drug Disposal Act of 2010".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The nonmedical use of prescription drugs is a growing problem in the United States, particularly among teenagers.

(2) According to the Department of Justice's 2009 National Prescription Drug Threat Assessment—

(A) the number of deaths and treatment admissions for controlled prescription drugs (CPDs) has increased significantly in recent years;

(B) unintentional overdose deaths involving prescription opioids, for example, increased 114 percent from 2001 to 2005, and the number of treatment admissions for prescription opioids increased 74 percent from 2002 to 2006; and

(C) violent crime and property crime associated with abuse and diversion of CPDs has increased in all regions of the United States over the past 5 years.

(3) According to the Office of National Drug Control Policy's 2008 Report "Prescription for Danger", prescription drug abuse is especially on the rise for teens—

(A) one-third of all new abusers of prescription drugs in 2006 were 12- to 17-year-olds;

(B) teens abuse prescription drugs more than any illicit drug except marijuana—more than cocaine, heroin, and methamphetamine combined; and

(C) responsible adults are in a unique position to reduce teen access to prescription drugs because the drugs often are found in the home.

(4)(A) Many State and local law enforcement agencies have established drug disposal programs (often called "take-back" programs) to facilitate the collection and destruction of unused, unwanted, or expired medications. These programs help get outdated or unused medications off household shelves and out of the reach of children and teenagers.

(B) However, take-back programs often cannot dispose of the most dangerous pharmaceutical drugs—controlled substance medications—because Federal law does not permit take-back programs to accept controlled substances unless they get specific

permission from the Drug Enforcement Administration and arrange for full-time law enforcement officers to receive the controlled substances directly from the member of the public who seeks to dispose of them.

(C) Individuals seeking to reduce the amount of unwanted controlled substances in their household consequently have few disposal options beyond discarding or flushing the substances, which may not be appropriate means of disposing of the substances. Drug take-back programs are also a convenient and effective means for individuals in various communities to reduce the introduction of some potentially harmful substances into the environment, particularly into water.

(D) Long-term care facilities face a distinct set of obstacles to the safe disposal of controlled substances due to the increased volume of controlled substances they handle.

(5) This Act gives the Attorney General authority to promulgate new regulations, within the framework of the Controlled Substances Act, that will allow patients to deliver unused pharmaceutical controlled substances to appropriate entities for disposal in a safe and effective manner consistent with effective controls against diversion.

(6) The goal of this Act is to encourage the Attorney General to set controlled substance diversion prevention parameters that will allow public and private entities to develop a variety of methods of collection and disposal of controlled substances, including some pharmaceuticals, in a secure, convenient, and responsible manner. This will also serve to reduce instances of diversion and introduction of some potentially harmful substances into the environment.

SEC. 3. DELIVERY OF CONTROLLED SUBSTANCES BY ULTIMATE USERS FOR DISPOSAL.

(a) REGULATORY AUTHORITY.—Section 302 of the Controlled Substances Act (21 U.S.C. 822) is amended by adding at the end the following:

"(g)(1) An ultimate user who has lawfully obtained a controlled substance in accordance with this title may, without being registered, deliver the controlled substance to another person for the purpose of disposal of the controlled substance if—

"(A) the person receiving the controlled substance is authorized under this title to engage in such activity; and

"(B) the disposal takes place in accordance with regulations issued by the Attorney General to prevent diversion of controlled substances.

"(2) In developing regulations under this subsection, the Attorney General shall take into consideration the public health and safety, as well as the ease and cost of program implementation and participation by various communities. Such regulations may not require any entity to establish or operate a delivery or disposal program.

"(3) The Attorney General may, by regulation, authorize long-term care facilities, as defined by the Attorney General by regulation, to dispose of controlled substances on behalf of ultimate users who reside, or have resided, at such long-term care facilities in a manner that the Attorney General determines will provide effective controls against diversion and be consistent with the public health and safety.

"(4) If a person dies while lawfully in possession of a controlled substance for personal use, any person lawfully entitled to dispose of the decedent's property may deliver the controlled substance to another person for the purpose of disposal under the same conditions as provided in paragraph (1) for an ultimate user."

(b) CONFORMING AMENDMENT.—Section 308(b) of the Controlled Substances Act (21 U.S.C. 828(b)) is amended—

(1) by striking the period at the end of paragraph (2) and inserting "; or"; and

(2) by adding at the end the following:

"(3) the delivery of such a substance for the purpose of disposal by an ultimate user, long-term care facility, or other person acting in accordance with section 302(g)."

SEC. 4. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.

Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements to ensure that the guidelines and policy statements provide an appropriate penalty increase of up to 2 offense levels above the sentence otherwise applicable in Part D of the Guidelines Manual if a person is convicted of a drug offense resulting from the authorization of that person to receive scheduled substances from an ultimate user or long-term care facility as set forth in the amendments made by section 3.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Pennsylvania (Mr. PITTS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. 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 Washington?

There was no objection.

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

Madam Speaker, I rise today in strong support of S. 3397, as amended, the Secure and Responsible Drug Disposal Act of 2010. This bill is our effort to respond to the very rapidly rising rate of prescription drug abuse in our country where 2,500 teens a day are using prescription drugs illegally for the first time. And this bill will help, we think, significantly in helping remove prescription drugs from the illicit drug pipeline by giving citizens an ability to get rid of their drugs, their prescription drugs, in a legal fashion so that communities can fashion a way to create drug take-back programs so citizens can get rid of their unnecessary and no longer useful prescription drugs.

The House has previously passed a version. We have made some improvements to the bill after it went through the Senate. I just want to note some of those improvements.

Today, when people do not have ready access to drug disposal programs, they often flush them down, and drugs ultimately end up in the waterways. In order to ensure that the drug take-back programs that we fashion under this bill are environmentally sound, it's important that the Attorney General consider the environmental impacts of take-back programs and work with the Environmental Protection Agency and communities on appropriate ways to dispose of the collected