

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 non-proliferation 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, in-

cluding 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 non-violence and Gandhian principles;

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

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

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

Resolved, That the House of Representatives—

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

REAL ESTATE JOBS AND INVESTMENT ACT OF 2010

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

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY OF TAX COURT TO APPOINT EMPLOYEES.

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

“(a) *APPOINTMENT AND COMPENSATION*.—

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

“(2) *JUDGE-APPOINTED EMPLOYEES*.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(E) file an appeal with the Equal Employment Opportunity Commission under part 1614 of title 29 of the Code of Federal Regulations, shall continue to be entitled to file such appeal or make such an allegation so long as the individual remains an employee of the Tax Court.

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

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

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

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

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

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

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