

On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that

such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5281), as amended, was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 5281, as amended.

Total Budgetary Effects of H.R. 5281 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of H.R. 5281 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5281, THE REMOVAL CLARIFICATION ACT OF 2010, WITH AMENDMENTS (HEN10A39) PROVIDED TO CBO ON DECEMBER 1, 2010

	By fiscal year, in millions of dollars—										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0

Source: Congressional Budget Office.  
Note: H.R. 5281 would clarify when certain litigation is moved to federal courts. This legislation would increase the number of cases handled by the federal courts; however, CBO estimates that it would have no significant effect on direct spending by the federal court system.

Mr. DURBIN. Further, I ask unanimous consent that the bill be passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5281), as amended, was read the third time and passed, as follows:

H.R. 5281

Resolved, That the bill from the House of Representatives (H.R. 5281) entitled “An Act 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.”, do pass with the following amendments:

(1)On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting “that is” after “or criminal prosecution”;

(B) by inserting “and that is” after “in a State court”; and

(C) by inserting “or directed to” after “against”; and

(2) by adding at the end the following:

“(c) As used in subsection (a), the terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.”.

(2)On page 3, strike lines 4 through 19 and insert the following:

“(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.”.

(3)On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MEASURE READ THE FIRST TIME—S. 4006

Mr. DURBIN. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4006) to provide for the use of unobligated discretionary stimulus dollars to address AIDS Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

Mr. DURBIN. I now ask for the second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

FOR THE RELIEF OF SHIGERU YAMADA

FOR THE RELIEF OF HOTARU NAKAMA FERSCHKE

Mr. DURBIN. Mr. President, I ask unanimous consent the Committee on the Judiciary be discharged from further consideration and the Senate proceed to the en bloc consideration of S. 124 and S. 1774, two private relief bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent the amendment at the desk be agreed to, the bills, as amended, if amended, be read a third time and the budgetary pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 1774.

Total Budgetary Effects of S. 1774 for the 5-year Statutory PAYGO Scorecard: \$0.

Total Budgetary Effects of S. 1774 for the 10-year Statutory PAYGO Scorecard: \$0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 1774, A BILL FOR THE RELIEF OF HOTARU NAKAMA FERSCHKE, WITH AN AMENDMENT (EAS10517) PROVIDED TO CBO ON DECEMBER 2, 2010

	By fiscal year, in millions of dollars—										
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0

S. 1774 would make Hotaru Nakama Ferschke eligible for permanent U.S. residence. CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

The amendment (No. 4733) was agreed to, as follows:

(Purpose: To add PAYGO language)  
At the end, add the following:

(e) 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 bill (S. 124) was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 1774), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. DURBIN. I ask the bills now be passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 124) was passed, as follows:

S. 124

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

#### SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

The bill (S. 1774), as amended, was passed, as follows:

S. 1774

#### SECTION 1. PERMANENT RESIDENT STATUS FOR HOTARU NAKAMA FERSCHKE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Hotaru Nakama Ferschke shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immi-

grant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Hotaru Nakama Ferschke enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Hotaru Nakama Ferschke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) 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.

#### ORDER OF PROCEDURE—H.R. 4853

Mr. DURBIN. Mr. President, I ask unanimous consent that the time under Democratic control during the debate in relation to the House Message on H.R. 4853 on Saturday, December 4, be equally divided between Senators SCHUMER and BAUCUS or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98-183, as amended by Public Law 103-419, appoints the following individual to the United States Commission on Civil Rights: Alice C. "Dina" Titus of Nevada vice Arlan D. Melendez of Nevada.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR SATURDAY, DECEMBER 4, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:15 a.m. on Saturday, December 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House Message on H.R. 4853, the legislative vehicle for the tax cuts, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DURBIN. Mr. President, Senators should expect up to two rollcall votes to begin at approximately 10:30 tomorrow morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bill or joint resolution today, Friday, December 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 8:15 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 3:31 p.m., adjourned until Saturday, December 4, 2010, at 8:15 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### NATIONAL COUNCIL ON DISABILITY

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE VICTORIA RAY CARLSON, TERM EXPIRED.

##### DEPARTMENT OF LABOR

LEON RODRIGUEZ, OF MARYLAND, TO BE ADMINISTRATOR OF THE NATIONAL COUNCIL ON DISABILITY, DEPARTMENT OF LABOR, VICE PAUL DECAMP.

##### DEPARTMENT OF COMMERCE

KATHRYN D. SULLIVAN, OF OHIO, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PHILLIP A. SINGERMAN.